









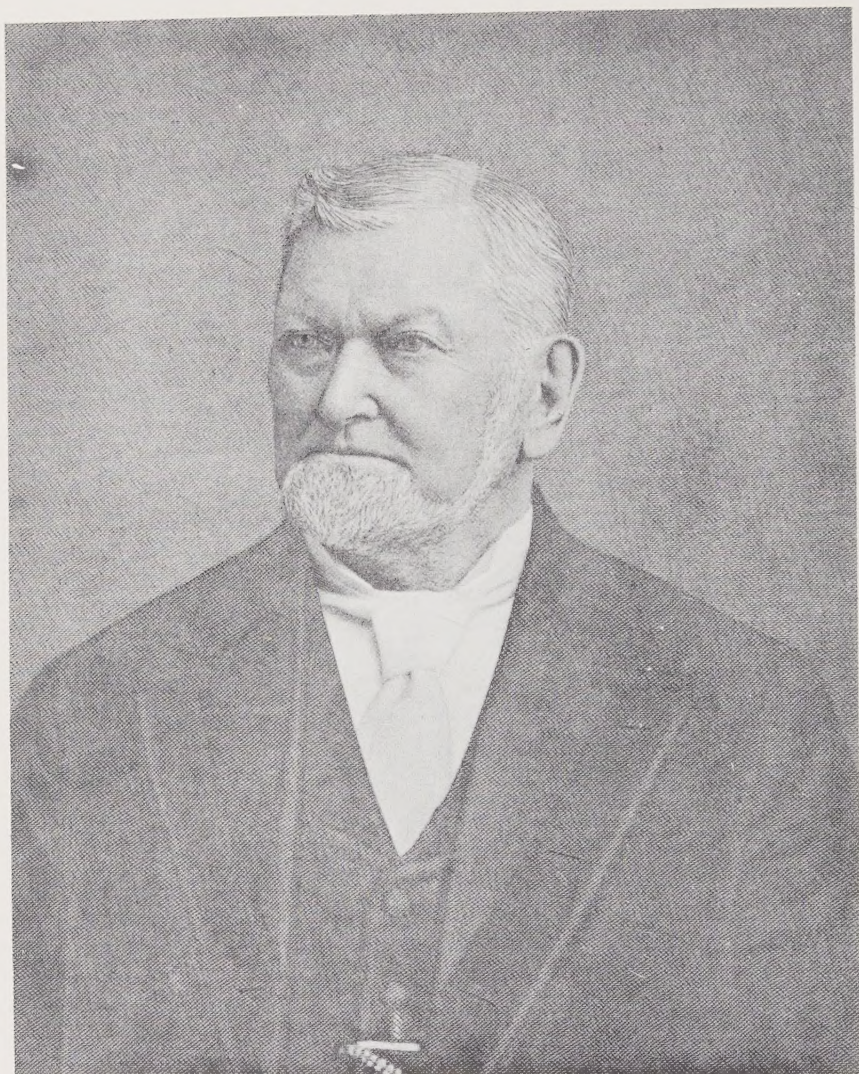


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*Wilford Woodruff*

WILFORD WOODRUFF  
Fourth President of the Church of Jesus Christ  
of Latter-day Saints  
1887—1898







A  
Comprehensive History  
OF  
The Church of Jesus Christ  
OF  
Latter-day Saints  
CENTURY I

---

In Six Volumes

By B. H. ROBERTS

*Author of—Outlines of Ecclesiastical History; Doctrine of Deity (a discussion); New Witnesses for God (3 vols.); Defense of the Faith and the Saints (2 vols.); Joseph Smith the Prophet Teacher; The Falling Away (16 Radio Addresses, 1929); etc., etc.*

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VOL. V

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*Expansion*



## Volume V

The events of Volume V extend through a period of twenty years, opening with 1860 and continuing to midsummer of 1880. It is a period of great stress and strife; of fierce opposition to the church, both locally and nationally; with Utah, the chief gathering place of the saints, as the local center; and Washington, the nation's capital, as the initial point of anti-"Mormon" national activity, where much special inimical legislation was enacted against the church, and much of a more mischievous kind attempted. Four presidents of the United States of the period thought the "Mormon question" of sufficient importance to make recommendations concerning it in their messages, and to urge their policies upon congress. The ingenuity of political cunning and sectarian hatred united to destroy the community life of the Latter-day Saints, which meant the destruction of the church of the New Dispensation. Misrepresentation did its worst to blacken the reputation and make impossible the right understanding of the intent of the people of God. If ever Satan cast out of his mouth a flood of vicious falsehood that the church might be carried away of it, this period of Volume V for modern days, was the time of it.

There were not only fightings from without, during this period, but dissensions from within. It was the period of the Morrisite and the Godbeite defections. Not that these events were of so much importance in themselves, for so considered they were of small concern, but it was the use made of them by national and local enemies of the saints that featured them.

There were serious Indian uprisings during the period; chief of which was the Black Hawk War continuing through three years, which the people of Utah had to suppress notwithstanding the presence of United States troops permanently located at Camp Douglas. There were numerous vexatious law suits, the imprisonment of Brigham Young and other church leaders. There was the "invasion"—if one may so speak of it—of sectarian Christian missions, that sought the conversion of the saints to the old forms of christendom so many of them had left. Death took an unusually large toll from the Pioneers of the New Dispensation. Among these Presidents Brigham Young and Heber C. Kimball were numbered.

The martyrdom of Joseph Standing in Georgia, and the Indian wars add a dash of red to the period.

In view of all these untoward circumstances, and others not men-



tioned here, it may be marveled at that this volume is named *Expansion*. And yet it is so named, and because expansion is the chief characteristic of the period this volume covers, notwithstanding the nation-wide agitation against the church, and the stern and tireless efforts of both the national congress and the Utah federal judiciary to effect its undoing.

There was the advent of the transcontinental railway which brought the church with its mission more widely and more nearly in contact with all parts of the world to which her mission was sent. World contact was one of her chiefest needs. There was the large publicity that was given to the purpose of the church of the New Dispensation, by reason of the discussion of it nationally and even internationally, for the consideration of the subject so frequently and so intensely by the congress of the United States and even by appeals to foreign nations to render indirect assistance in solving one of the United States problems, attracted world-wide attention to what otherwise might have been a scarcely noticed religious movement of minor importance. But never was there given in modern times such widespread attention to a religious movement as to the Church of the Latter-day Saints in the period covered by Volume V of its history.

Internally the church grew steadily. The foreign missions grew in importance, especially was this true with reference to Mexico and the Pacific Island groups. The St. George temple was completed and dedicated. Other temple sites were dedicated. President Young, just previous to his death, released the apostles who had been presiding over stakes preparatory to widening the scope of their mission; and he both reorganized and multiplied stakes of Zion. Idaho, Arizona, Canada, Mexico were, so to speak, invaded for peaceful settlement. The cords of Zion were being lengthened and her stakes strengthened. It was a period of expansion par excellent, this stretch of twenty years.

More and more throughout this period it is made apparent that the church of Christ in the New Age is not dependent upon human devices or wisdom of human statesmanship for her perpetuation. Her victory of persistence over the forces which assailed her were evidences of that. The storms of opposition that assailed her were but as the blasts and tempests that shake and bend the growing oak. Those tempests but serve to drive the roots deeper into the soil and make them hold; to toughen the fiber of the enlarging trunk; to stretch broader and hold firmer the multiplying branches; and by and by with the passing centuries the sturdy monarch of the forest stands secure, and the storms that beat upon it now will not matter.





A  
Comprehensive History  
OF THE  
Church of Jesus Christ  
of Latter-day Saints

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Century One

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CHAPTER CXXI

AN EFFORT TO OBTAIN STATEHOOD—ATTITUDE OF THE LATTER-DAY  
SAINTS IN UTAH TOWARDS THE WAR BETWEEN THE STATES

**I**N this period there was a very earnest, and I may say a very bold, effort made to secure statehood for Utah, that has been frequently referred to, and not without reason, as evidence of the loyalty of the Latter-day Saints to the government of the United States. It seems to stand out all the more prominently for the reason that running parallel with it in time, an effort was made to induce Utah to secede from the Union, in connection with the southern states that were then taking such action. A proposition was made by two members of congress from the south, to the delegate from Utah, that Utah territory should secede. Utah had her grievances to redress, and "then [1861] was the time to have them redressed." It was pointed out to Utah's delegate "what great support it would give the southern cause if Utah was to rise in rebellion against the government." The delegate replied that Utah indeed "had difficulties with the government; but we calculate," said he, "that they will be

righted in the government, or we will endure them.” “This has been uniformly our feelings,” said Elder John Taylor when relating the above incident.<sup>1</sup>

#### UTAH'S EFFORT TO GET INTO THE UNION—1860-1861

Writing of a probable movement to bring Utah into the Union when so many of the states were preparing to get out of it, delegate Wm. H. Hooper said—

“I think three-quarters of the Republicans of the house would vote for our admission; but I may be mistaken. Many say they would gladly ‘swap’ the Gulf states for Utah. I tell them that *we show our loyalty by trying to get in, while others are trying to get out*, notwithstanding our grievances, which are far greater than those of any of the seceding states; *but that I consider we can redress our grievances better in the Union than out of it*; at least we’ll give our worthy ‘Uncle’ an opportunity of engrafting us into his family; and if he doesn’t want us, we must then carve out our own future.”<sup>2</sup>

About a year later, when the subject of statehood was being agitated in the Utah legislature, George A. Smith, a member of the assembly, presented to President Young a draft of an act for the calling of a convention to form a state Constitution. The president approved the measure. “And let the convention,” said he, “ask the general government to admit us as a state, and if they don’t do it, tell them that we will organize a state government and control [it]. If we do not do something to head [off] this military operation, they will afflict us, [and] the whole country will be a military despotism. \* \* \* *We must soon organize a government for ourselves, and take care of ourselves.*”<sup>3</sup>

The act calling the convention was vetoed by the then governor of Utah,<sup>4</sup> John W. Dawson—of whom more later

1. The incident is related by Elder John Taylor, later president of the church, in a public discourse in the tabernacle, at Salt Lake City, March 5th, 1865. (*Journal of Discourses*, vol. xi, p. 93). Elder Taylor states that he heard the former delegate, Mr. Hooper, relate the above circumstance on the day just preceding his discourse. (See also *Deseret News* of March 29th, 1865, where the discourse is published).

2. Letter of Hooper to George Q. Cannon under date of Dec. 16th, 1860, (*Millennial Star*, vol. xxiii, pp. 29-30).

3. Wilford Woodruff's *Journal*, Ms., entry for 15th Dec., 1861. Also in *History of Brigham Young*, Ms., of same date, p. 536.

4. *Deseret News* of Dec. 25th, 1861.



—but the matter was immediately taken up by the citizens outside of the legislature. Mass meetings were called in all the towns and settlements to elect delegates to a constitutional convention according to the apportionment provided in the recently vetoed enactment. The meetings throughout were enthusiastic. The one in Salt Lake City was held in the "Old Tabernacle," at which there were present some three thousand citizens. Edward Hunter, presiding bishop of the church, was the chairman, Brigham Young and Heber C. Kimball led in the invocation and benediction. The committee on resolutions and address were D. H. Wells, William H. Hooper, John Taylor, George A. Smith, and Abraham O. Smoot. The address produced by this committee was an able review of the past and the then prevailing conditions, which made up the sum of "Mormon" grievances against the continuance of which there was made earnest and manly protest; and to remove which the solemn demand was again made for the extension to the Utah community the undoubted American right of local self-government.<sup>5</sup>

On the 20th of January the delegates to the convention met and organized by choosing D. H. Wells for president, and William Clayton for secretary and a full set of officers. The chief work of the convention was assigned to two committees, one to draft a Constitution to be submitted to the convention;<sup>6</sup> and a second to draft a Memorial to congress to accompany the presentation of the Constitution.<sup>7</sup>

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5. The concluding resolutions were as follows:

*Resolved*, That uniformly selecting and transporting men from distant states into our territory to fill its offices, presuming as it does that we have no men in our territory fit, capable or worthy to fill them, is a standing insult to the intelligence and patriotism of this community, and devoid alike of good policy and common justice.

*Resolved*, That we can see no other or better way to avoid the continual recurrence of these political difficulties which have so beset our territorial progress, than to abolish our territorial form of government and trust that congress now in session, will hearken unto our application for admission into the Union, and will grant us speedy and favorable action thereon." (*Deseret News* of Jan. 8th, 1862, where the address, resolutions and proceedings in full will be found).

6. Messrs. George A. Smith, Albert Carrington, Elias Smith, Zerubbable Snow and John Taylor constituted this committee.

7. James Ferguson, Wilford Woodruff, Samuel W. Richards, Lorenzo Snow, and Leonard E. Harrington comprised the committee on Memorial. (See Convention's Proceedings, *Deseret News* of Jan. 22nd, 1862).

THE PROPOSED CONSTITUTION FOR THE "STATE OF DESERET"—  
ELECTION OF OFFICERS

By the 23rd of January a Constitution was adopted and provisions made for its submission to the vote of the people on the first Monday in March following, at which time also there was to be an election of a governor, lieutenant governor, representative to congress, and members of the general assembly "as provided for in the Constitution." The name of the state was to be "Deseret." The convention near the close of its last session placed in nomination "for the consideration of the electors," the following candidates:

*For governor:* Brigham Young.

*For lieutenant governor:* Heber C. Kimball.

*For member of congress:* John M. Bernhisel.<sup>8</sup>

All free, white, male citizens of the United States over twenty-one years of age, and six months residence in the territory constituted the electorate.

The officially certified returns of the election, with three counties not reported,<sup>9</sup> shows that the Constitution was adopted by a vote of 9,879; and the state officers nominated by the convention were elected practically by the same vote. It was estimated that the vote of the three remaining counties would bring the aggregate vote for the Constitution and these state officers up to 13,000.<sup>10</sup>

There were no votes against the Constitution or the state officers. The members of the legislature were elected in their respective senatorial and representative districts by practically the same number of votes cast in the districts severally for the Constitution.

The Constitution adopted provided that the first meeting of the legislature should be as directed by proclamation of the governor-elect, and subsequent sessions as provided by law.

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8. *Deseret News* of Jan. 29th. The full text of the Constitution signed by the sixty-six delegates constituting the convention will be found in the *News* of the same date.

9. These were Washington, Iron, and Green counties.

10. See *Deseret News* editorial, and tabulated returns of the election, impression of March 19th, 1862.

Accordingly, Governor-elect Brigham Young called the legislature of the state to meet on Monday, the 14th day of April,<sup>11</sup> at which time he delivered his message to the organized assembly. Quoting Hon. W. H. Seward, who said "The Constitution of the United States prescribes only two qualifications for new states; namely, a substantial civil community and a republican government."<sup>12</sup> Governor Young contended that Utah had both, and was therefore entitled to admission. He pointed out that Utah's admission to the Union would relieve the government of the expense of maintaining the territorial government of Utah.<sup>13</sup> He approved of the territorial legislative act which the year before had assumed the payment of Utah's quota of the direct national tax (the war tax), "and without question," said the message, "this general assembly [i. e. of the 'State of Deseret'], should they deem further action on that subject necessary, will, with equal patriotism, adopt such measures as will best sustain our government in its financial affairs so far as our apportionment and every constitutional requirement are concerned." "But," he continued, "I object to any action being taken in this or any other matter, except on the ground of right and justice, and in no wise as an evidence of our loyalty, for it has oftentimes been severely tested, and has on every occasion, emerged from the test with unsullied purity. *We are not here as aliens from our government, but we are tried and firm supporters of the Constitution, and every constitutional right.*"<sup>14</sup>

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11. See proclamation in *Deseret News* of March 19th.

12. The speech of Mr. Seward was delivered on the floor of the senate on the 9th of April, 1856, arguing for the admission of Kansas, and against the notion that a certain prescribed number of population was necessary to admission.

13. At the time this amounted to \$34,000 *per annum*. "When millions of dollars are being disbursed weekly, these thousands," said the message, may seem small in contrast; but in the great majority of instances those millions have been collected in much smaller amounts than the thousands of Utah's quota.

14. *Deseret News* of April 16th, 1862, where the message is given in full. The remarks with reference to paying the direct tax were made as an answer to Governor Dawson who had but shortly before urged upon the territorial legislature an enactment to provide for the collection of this national tax—"and thus put yourselves before the world," said he, "vindicated of the charge of disloyalty which, I regret to say, has obtained some credence in portions of the United States." (Governor Dawson's message, *Deseret News* of Dec. 18th, 1861).

The legislature remained in session but four days. They elected Wm. H. Hooper and George Q. Cannon United States senators from the "State of Deseret;" also the following state officers made elective by the general assembly under the Constitution: secretary of state, Daniel H. Wells; treasurer, David O. Calder; auditor of public accounts, William Clayton; attorney-general, Aurelius Miner; chief justice of the supreme court, Elias Smith; two associate justices, Z. Snow and Seth M. Blair.<sup>15</sup> There were several other legislative enactments which at least manifest great confidence that the long desired state government would be granted.<sup>16</sup>

Senator-elect Hooper started from Salt Lake City for the national capital in April, under a special escort of mounted men as far east as the north fork of the Platte river. George Q. Cannon, the other senator-elect, was in England at the time of his election, acting in the presidency of the European Mission. He left Liverpool for Washington in the middle of May, having been summoned by cablegram to join his colleague at the national capital, and work for Utah's admission into the Union. Delegate Bernhisel presented the Constitution in the house on the 9th of June, with the accompanying Memorial for admission. The matter was referred to the committee on territories. The following day the Constitution and Memorial were presented in the senate by the vice president; and Senator Latham, of California, moved to print these documents and to admit the senators-elect to the floor

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15. Proceedings of the general assembly will be found in *Deseret News* impressions of 16th and 23rd of April, 1862.

16. "The following are the titles of the acts passed by the general assembly, which have been approved by the governor:

- An Act relating to the duties of the secretary of state;
- An Act in relation to elections;
- An Act locating the seat of government of the 'State of Deseret;'
- An Act concerning the general assembly;
- An act making the laws of the territory of Utah in force in the 'State of Deseret;'
- An Act defining the judicial circuits and the places of holding circuit courts;
- An Act providing for publishing and distributing the laws enacted by the general assembly;
- An Act providing for appeals from the probate and circuit courts;
- An Act concerning the supreme court of the 'State of Deseret;'
- An Act in relation to circuit judges." (*Deseret News*, vol. xi, p. 340).



of the senate. The matter was referred to the senate committee on territories. Next day Senator Latham offered a resolution to admit Messrs. Hooper and Cannon to the floor of the senate, which was laid over and nothing further came of it.<sup>17</sup> On the 22nd of December, Hon. James M. Ashley, of Ohio, chairman of the house committee on territories reported enabling acts for the admission of Nebraska, Colorado, Utah and Nevada, but nothing came of it so far as Utah was concerned.<sup>18</sup> In accordance with the act passed by the general assembly of "Deseret," which elected Senators Hooper and Cannon, that assembly again met at the "Old Council House" in Salt Lake City, and "Governor Young" delivered a message to them, devoted chiefly to the recital of the several steps taken in congress on the application of Utah for admission; and which after receiving, the "general assembly" adjourned *sine die*.<sup>19</sup>

Thus ended the rather heroic effort of Utah to get into the Union when so many of the sovereign states were trying to get out, and keep out.

It was while these efforts to get into the Union were at their height, that congress not only refused statehood to Utah, but passed the anti-polygamy act, which President Lincoln approved on the 8th of July, 1862.

#### PER CONTRA DATA CONSIDERED

This effort to get into the Union and the expressed willingness to bear with the other loyal states, her full share of the burdens of maintaining the Union, when its fate hung tremulously in the balance, testifies strongly for the patriotism of the Latter-day Saint community in Utah. Still it must be conceded that there is *per contra data* that may not be omitted from consideration. It must be remembered that

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17. *Deseret News* of July 2nd, 1862.

18. See message of Governor Brigham Young to the general assembly of the "State of Deseret." (*Deseret News* of Jan. 21st, 1863).

19. For Governor Young's message, etc., see *Deseret News* of Jan. 21st, 1863, and *News* editorial of same date.

Joseph Smith when a candidate for president of the United States offered a solution to the question of Negro slavery—the purchase of the slaves by the general government, at a fair price, paying for them out of the surplus revenue arising from the sale of public lands<sup>20</sup>—this from the viewpoint of the saints would have settled the slavery question, and with that settled there would have arisen no question of secession to vex the nation and threaten its dismemberment. Their Prophet's plan had been rejected. In 1832 the Prophet had received a revelation in which was predicted in a most remarkable manner the division between the northern and the southern states, resulting in war, and terminating in the death and misery of many souls.<sup>21</sup> What should be their attitude towards a conflict thus predicted, as a judgment upon their nation, would naturally present itself to the minds of the Latter-day Saints as constituting a very grave problem.<sup>22</sup>

Moreover, they themselves by a combination of circumstances, already considered in these pages, had been virtually expatriated from the United States, the general government the meanwhile manifesting no interest in the maintenance of their rights as citizens, or their fate as human beings. That government had but just concluded a hostile demonstration against them in the "Utah Expedition" affair, to the last manifesting its distrust of them by destroying the munitions of war left over from that "Expedition," rather than to intrust it to a community who stood so much in need of it for efficient equipment against surrounding savage tribes.

Under all these circumstances it is not surprising to find a feeling sometimes vigorously and ill-advisedly expressed, that the war between the states, arising out of the slavery

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20. See Joseph Smith's views of the powers and policy of the government of the United States, *History of the Church*, Period I, vol. vi, p. 205. See also this *History*, chapter li, Note 3 end of chapter, where the subject is considered at length.

21. *Doctrine and Covenants*, sec. lxxxvii:1-3. See also this *History*, chapter xxiv.

22. "The dismemberment of our common country we regard as the greatest of crimes which can be committed against human laws; but the judgment of the Almighty must be satisfied, and then peace will follow." From an address to the people of Utah, by John Taylor and George A. Smith on the subject of preparing for statehood, 31st Dec., 1861. (*History of Brigham Young, Ms.*, for that year, p. 588).



question, was a matter in which the Latter-day Saints need have no particular concern; and as a result the attitude of aloofness from the conflict was assumed, and a satisfaction at their isolation from the scenes of destruction and carnage incident to the great and dreadful war was frequently voiced.<sup>23</sup>

#### "THE WAR TAX" ASSESSED ON UTAH

This position was manifest in both speech and action. When the territory's apportionment of the direct national tax, amounting to \$26,982, to be collected annually, either through officers of the territory's own appointing or through federal officers who might be appointed under the federal act itself,<sup>24</sup> the legislature assumed the territory's quota of the direct tax, and imposed a territorial tax on all property, of one per cent, two-thirds of which was to be paid in gold and silver coin to meet the requirements of the federal law for payment in coin. But the same legislature also memorialized congress to remit the quota of the direct tax assessed against Utah.

The reason assigned for this action was the great difficulty of raising the tax in coin. "It has been nearly impossible," wrote George A. Smith to Delegate John M. Bernhisel—again by this time Utah's delegate in congress—"to collect taxes in this territory in coin. The inhabitants have an abundance of breadstuffs, stock and other like property, but money as a circulating medium, is, as you are well aware, exceedingly scarce in the territory. The act of congress imposing the direct tax in the territory, could not be collected on any property but the houses worth over \$500 each. This

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23. "We can now realize, more fully, the blessings attendant upon our being driven to these valleys," said Brigham Young at the April conference of the church in 1861; "for had we remained [i. e. in the states] we should have been obliged to mingle, to some extent, in the turmoil and strife that now afflict this nation." (Minutes of Conference, *Deseret News* of April 10th, 1861; and such sentiments were frequently repeated. See *Journal of Discourses*, *Deseret News*, and *Millennial Star*, for the years 1860-1864, *passim*).

24. The direct tax law was passed April 5th, 1861. The above letter dated Jan. 18th, 1862, is copied into *History of Brigham Young, Ms.*, pp. 261-3. See also *Deseret News* of Jan. 22nd, 1862.

would have laid the burden of the whole tax on about two hundred *persons*. And it is doubtful whether property could be sold for sufficient to cover the tax. The legislature therefore concluded to assess and lay upon all property, taxable by the territory."<sup>25</sup>

The consideration of this question by the legislature discovered a remarkable state of things in Utah respecting the status of the citizens of the territory in relation to property, as will appear from the statement of Mr. West, chairman of the special committee having in hand the direct tax matter:

"The direct tax laid by the United States is a tax laid on real property and the improvements thereon. To this there is the privilege given to each state or territory to assume, assess, and collect the said direct tax in their own way and manner. The tax being laid upon real property and its improvements and buildings and the privilege for the territory to assess and collect the same in their own way and manner, confines our legislative action thereon to assessing and collecting said tax upon the property made taxable by congress. Another and greater difficulty which the committee had to encounter was the well known fact that all the lands, of every description, in this territory, are lands, the Indian title of which is not extinguished. While the paramount title of which lands are in the federal government, and while said act imposing said direct tax specially exempts all lands and property made taxable by said act, belonging to the United States, the territory is left in the anomalous predicament of not having a foot of taxable lands, or freehold resident within her borders! Thus situated are our citizens, with a direct tax of nearly \$27,000 imposed upon them. The tax is laid upon a kind and description of property which does not exist or lay in the territory."<sup>26</sup>

The tax was not remitted, however, and although it was taxation without representation—or at least without representation worthy of that name—it was collected from the people who paid it without protest or complaint.<sup>27</sup> That

25. "It was deemed politic to assume the quota of the direct tax [i. e. federal war tax] apportioned to this territory. \* \* \* A territorial tax of one per cent was instituted, two-thirds of which must be paid in gold and silver coin, a Memorial to congress was adopted, asking a remission of the direct tax." (Letter of George A. Smith to Erastus Snow, date of Jan. 24th, 1862, *History of Brigham Young, Ms.*, 1862, p. 307).

26. Proceedings of the Legislature, *Deseret News* of Jan. 1st, 1862.

27. See speech of Judge Kinney, Utah's delegate, *Congressional Globe* of 23rd of March, 1864.

is without protest or complaint beyond the request made by the legislature for the remission of the quota of the direct tax against Utah as above set forth.

#### UTAH'S ATTITUDE DURING THE CIVIL WAR

The territory sent no volunteers into the Civil War service; the very limited service, its character and specific provision called out to guard the mails, forming no worthwhile exception to the statement. Utah's whole attitude is well described in the following passage from the formal address of Elder John Taylor at the 4th of July celebration in 1861. After tracing historically what he considered the causes leading "to the fall and dismemberment of the nation," he said:

"It may now be proper to inquire what part shall we take in the present difficulties [the war then raging—the first gun which had been fired early in January, 1861—and this speech is in July, 1861]. We do not wish to dodge any of these questions. We have ever taken a manly, straightforward path, and always expect to do so. In regard to the present strife, it is a warfare among brothers. We have neither inaugurated it, nor assisted in its inauguration; both parties, as already shown, have violated their constitutional obligations. No parties in the United States have suffered more frequently and grievously than we have, the violation of our national compact. We have frequently been mobbed, pillaged and plundered, without redress. We have been hunted like the deer on the mountains, our men have been whipped, banished, imprisoned and put to death without a reason. We have been driven from city to city, from state to state for no just cause or complaint. We have been banished from the pale of what is termed civilization, and forced to make a home in the desert wastes. \* \* \* Shall we join the north to fight against the south? No! Shall we join the south against the north? As emphatically, No! Why? They have both as before shown, brought it upon themselves, and we have had no hand in the matter. Whigs, Democrats, Americans and Republicans have all in turn endeavored to stain their hands in innocent blood, and whatever others may do, we cannot conscientiously help to tear down the fabric we are sworn to uphold. We know no north, no south, no east, no west; we abide strictly and positively by the Constitution, and cannot by the intrigues or sophism of either party, be cajoled into any other attitude."<sup>28</sup>

This attitude with reference to the great American conflict, is frequently asserted in the writings and in the "Old

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28. *Deseret News* of July 10th, 1861.

Tabernacle'' speeches of leading church men,—but often in more emphatic terms than are here employed<sup>29</sup>—until it is forced upon one as representing the habitual and prevailing mental attitude of the community upon the subject of the war between the states, unless there could be a full and complete recognition of Utah's right to community self-government, guaranteed by admission into the sisterhood of states as one of the free, equal and sovereign states of that Union. In other words, the position assumed was, that if they were to share the burdens of the Union, justice demanded that they should have full participation in its benefits.

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29. See discourse by Brigham Young, April 6th, 1861, *Journal of Discourses*, vol. ix, pp. 4-5. The same of 28th July, 1861; *Deseret News* of Oct. 2nd, 1861—also *Journal of Discourses*, vol. ix, p. 137, *et seq.* The same, March 8th, 1863, *Journal of Discourses*, vol. x, pp. 105-110, *et passim* throughout the volume. Discourse of George A. Smith, April 6th, 1861, *Journal of Discourses*, vol. x, p. 15, *et seq.*

## CHAPTER CXXII

LINCOLN'S FEDERAL APPOINTEES FOR UTAH—THE CALIFORNIA VOLUNTEERS—PRESIDENT LINCOLN'S "THREE WORD POLICY" AS TO "MORMONS"—INDIAN BATTLE ON BEAR RIVER

UNHAPPILY the federal appointments of civil officers for the territory, the manifest mistrust of the people of Utah by the Lincoln administration—especially of Secretary of War Edwin M. Stanton<sup>1</sup>—and the development of local political events, all tended to foster the aloofness of the people of Utah in the matter of the war between the states.

### GOVERNOR JOHN W. DAWSON—UNFITNESS AND DEPARTURE

The appointment of John W. Dawson, of Indiana, as governor of Utah was most unfortunate. He arrived in Salt Lake City on the 7th of December, three days later he inflicted a long academic message on the legislature in which he strongly implied the disloyalty of the "Mormon" people, and urged the prompt devising of means for the collection of the direct, special, federal tax—the war tax—in order "to vindicate the community of the charge of disloyalty." In a few days he made improper proposals to a respectable woman, was repulsed and exposed in this and some other "galantries," which drove him into the seclusion of his lodgings, where he was reported as both sick and insane. On the 31st of the same month which witnessed his advent into Salt Lake City, he secretly took his departure, but unfortunately at the mail station at Mountain Dell, a number of lawless men gathered in during the evening; there was some drinking, and Dawson was cruelly beaten and robbed, but he continued his journey eastward.

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1. It was Secretary Stanton's influence that placed the people of Utah under the military supervision of the California volunteers. (See Linn's *Story of the Mormons*, p. 544).



The governor wrote his own version of the affair from Bear River station to the *Deseret News*, which was published in the impression of Jan. 22, 1862. The names of his assailants were Isaac Neibaur, Wood Reynolds, Jason, John M., and Wilford Luce, John Smith, Moroni Clawson, and Lot Huntington. Writs were obtained against these parties. Three of them, Smith, Clawson and Huntington, stole horses and attempted to leave for California; they were followed by the sheriff, but resisted the officer and Lot Huntington was killed. On the way to the prison after reaching Salt Lake City, the other two made an attempt to escape and were killed by the police. The remainder of the party were remanded for trial.<sup>2</sup> President Lincoln claims to have been imposed upon in the appointment of Dawson. "The senate relieved him from the imposition by refusing to confirm the appointment."<sup>3</sup>

#### THE NEW LINCOLN APPOINTMENTS

About a month later the two associate justices of the territorial supreme court, R. P. Flenniken and H. R. Crosby, who had been appointed about the same time as Dawson was appointed, also left the territory, which fact was telegraphed President Lincoln by the remaining federal officers in Utah, who recommended the appointment of successors to the departed officers; and accordingly, on the 3rd of February, Thomas J. Drake, of Michigan, and Charles B. Waite, of Illinois, were appointed associate justices; and two months later, namely on the 21st of March, Stephen S. Harding, of Indiana, was appointed governor to succeed John W. Dawson.<sup>4</sup>

Harding was acquainted with the Prophet Joseph Smith

2. *History of Brigham Young, Ms.*, entries for January, 1862, p. 258. Also *Deseret News* of January 22nd, 1862.

3. Waite's *The Mormon Prophet*, p. 76.

4. Waite's *Mormon Prophet*, p. 77. The other appointees by Lincoln had been Frank Fuller of New Hampshire, secretary of the territory, and James Duane Doty superintendent of Indian Affairs. John F. Kinney had been reappointed chief justice of Utah by President Buchanan, succeeding Judge D. R. Eckles, and was holding over on that appointment until succeeded by Lincoln's appointment of John Titus of Pennsylvania, in June, 1863.

in New York, 1830; claimed to have been in the printing office when the first impression was taken of the title page of the *Book of Mormon*. He preserved the sheet, and in 1847 presented it to Robert Campbell, who deposited it in the Church Historian's Office. The governor related that he put the paper in a hair trunk with a great number of other papers to which the rats and mice had access, and they "destroyed every other paper but the Mormon one."<sup>5</sup> The governor had also occasionally entertained the "Mormon" traveling elders at his home in Indiana, and on his arrival in Salt Lake City—July 7th, 1862—presumed upon an especially friendly reception and treatment because of these antecedent "Mormon" associations.<sup>6</sup>

#### ARRIVAL OF THE CALIFORNIA VOLUNTEERS

A matter which intensified the feelings of the people with reference to the federal government was the arrival of the California volunteers under command of Colonel P. Edward Connor. While ostensibly sent to the territory to guard the mail routes and telegraph lines from the Indians in the region of the intermountain west, of which Salt Lake City was the natural and strategic center, still, by the orders to establish a military post in the vicinity of Salt Lake City, it was felt that surveillance of the people of Utah was, in part, the purpose of the general government in sending these United States troops to Utah. Especially so since the people of Utah had been so entirely willing to assume responsibility for the safety of the mail routes, telegraph lines, and to keep the

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5. Letter of George A. Smith to Hosea Stout, date of July 30th, 1862, copied into *History of Brigham Young, Ms.*, July, 1862; pp. 689-90.

6. "The governor tells me," says George A. Smith, in his letter to Hosea Stout, "he hopes we would take as good care of him as he did of that paper (i. e. the title page of the *Book of Mormon* before mentioned in the letter). 'I told him we should certainly do it,'" continues Historian Smith, with grim humor, "for he had placed it in a box where the rats could get access to it, and we would not do worse than that. He appears to be a pleasant fellow, a thorough-going black-Republican; a dyed-in-the-wool abolitionist; but has some faint glimmerings that 'Mormonism' is to rule the destinies of nations, and that there was a great miracle in the preservation of that title page." (*Ibid*; see also *Deseret News* of March 4th, 1863).

Indians in subjection, as was evidenced by the promptness with which they had responded to the call of the war department for such service in the previous year, and by direct announcement to that effect by Brigham Young, but two chapters back.<sup>7</sup>

Connor's force consisted of five companies of the 3rd regiment of infantry, and two companies of the 2nd cavalry; numbering about seven hundred men. The California volunteers had "enlisted to fight traitors," and could not understand why they were sent to Utah. "Why we were sent here," said a correspondent from the force to the *San Francisco Bulletin*, "is a mystery. It could not be to keep Mormondom in order, for Brigham can thoroughly annihilate us with the 5,000 to 25,000 frontiersmen always at his command." The infantry companies, in a dispatch signed by the colonel commanding, to Major General Halleck, offered to authorize the paymaster of the army to withhold \$30,000, then due them, if only the regiment should be ordered to the east rather than to the Utah service. The correspondent of the *Bulletin* also points out how unnecessary it is to detail them for the mail route service since "Brigham Young offers to protect the entire line with one hundred men." The *Bulletin* letter is copied into the *Deseret News* of October 15, 1862. President Brigham Young was absent from the city on a tour of the northern settlements at the time of the arrival of Connor's command.<sup>8</sup>

That the coming of the troops proved an irritant to the community life of Utah is abundantly witnessed alike in speech and conduct of the period on both sides to the controversy which unhappily so persisted in Utah. For while on the one hand the military presence vexed the spirits of the "Mormon" leaders and people, on the other it rendered arrogant and aggressive the civil representatives of the federal

7. See chapter cxx. Also *History of Brigham Young, Ms.*, Dec., 1861, pp. 529-30.

8. *Deseret News* of 22nd Oct., 1862; also Stenhouse, *Rocky Mountain Saints*, p. 593.

authorities—the governor and judges. The entrance of the force into Salt Lake City, and its march to the east bench of the valley (where subsequently Camp Douglas was founded), was unnecessarily spectacular and offensive.

#### THE ARMY INCIDENT

As showing the resentment of President Young to this affront to the loyalty of the Latter-day Saint community of Utah, and doubtlessly shared by that community, the following remarks may be cited:

“Lincoln,” said President Young, commenting on the order for the California troops to perform service in Utah—“Lincoln has ordered an army from California, for the order has passed over these wires. A senator from California said in Washington a short time since that the ‘Mormons’ were in their way and must be removed.”<sup>9</sup> Then publicly referring to the presence of the troops at Camp Douglas somewhat later, he said:

“We told the brethren [i. e. of the Mormon Battalion] to enlist, and they obeyed without a murmur. \* \* \* In this way we have proved our loyalty: we have done everything that has been required of us. Can there anything reasonable and constitutional be asked that we would not perform? No. But if the government of the United States should now ask for a battalion of men to fight on the present battlefields of the nation, *while there is a camp of soldiers from abroad (California) located within the corporate limits of this Salt Lake City, I would not ask one man to go. I would see them in hell first.*”<sup>10</sup>

On the other hand it may be that Colonel Connor was not altogether blameable for this warlike entrance into a peaceful city. According to a correspondent with the force to the *San Francisco Bulletin*, a rumor reached the colonel the day before he crossed the Jordan river, that an effort would be made to prevent his crossing, and that his entrance to Salt Lake City would be resisted. These, however, were

9. *History of Brigham Young, Ms.*, 1861, pp. 529-30.

10. Discourse of 8th of March, 1863, *Journal of Discourses*, vol. x, pp. 105-10.



but wild, street rumors; that fact, however, did not prevent the colonel from avowing his determination to "cross the river Jordan if hell yawned beneath him." The *Bulletin* letter, filling nearly four columns, detailing Connor's spectacular entrance into Salt Lake City is copied into *Deseret News* of Nov. 12th, 1862. Connor himself, and apparently without a military escort, had come into the city on the 9th of September, to look out a place of permanent encampment, while his command was located in Ruby valley, in northeastern Nevada.

The evening before entering the city, although there had been given no evidence of resistance to the troops, ammunition was distributed to them, and the next day, October 20, 1862, "with loaded rifles, fixed bayonets, and shotted cannon, Colonel Connor marched the volunteers into Salt Lake City."<sup>11</sup> The command entered the city from the south, *via* State street, marched north to First South street, thence turned eastward to the residence of Governor Harding, where a halt was made, the troops drawn up in two lines and a speech made by that gentleman—a speech both of welcome and warning;<sup>12</sup> after which there were cheers for the governor, for the country, and the "brave old flag." "Thereupon the march through the city was resumed—the bands continuing their floods of music." They were marched to some springs between the mouths of Red Butte and Emigration canons, and there encamped on what has ever since been a government military reservation, about two and a half miles east of Temple Square in Salt Lake City.<sup>13</sup>

11. *Rocky Mountain Saints*, Stenhouse, p. 603.

12. The speech in full will be found in *Deseret News* of Oct. 22nd, 1862, also an account of the entrance of the command into the city.

13. The order establishing Fort Douglas, was called Post Order No. 1, and is dated Oct. 26th, 1862. The proclaimed reserve, as outlined, contained 2,560 acres, more or less, part of which was within the city limits. (*History of Brigham Young, Ms.*, of above date, p. 957). Stenhouse says that "no place could have been chosen more offensive to Brigham. The artillery have a perfect and unobstructed range of Brigham's residence, and, with their muzzles turned in that direction, the prophet felt awfully annoyed." (*Rocky Mountain Saints*, p. 603). It never occurs to Stenhouse how gratuitous all this was, and how provocative of just indignation among the people that this, their most highly honored citizen, the Pioneer of the city and of the



## ISSUES PROJECTED BY GOVERNOR HARDING

The opening of the legislature in December, 1862, brought on a crisis between the new governor and the people's representatives. Congress had enacted its anti-polygamy measure in July, and perhaps it was to be expected that the territorial executive would make some allusion to it in his message, which he did. He said he was aware that there was a prevailing opinion that the said act of congress was unconstitutional, and therefore it was recommended by those in high authority that no regard whatever should be paid to the same; but he took that occasion to warn the people of the territory "against such dangerous and disloyal counsels."

The governor also charged the people with what he called their lack of loyalty to the federal government. He had heard no sentiments expressed that would lead him to believe that much sympathy was felt by any considerable number of the citizens of Utah in favor of the government of the United States, then struggling for its very existence; and called upon the legislature to pass such resolutions as would compel him to retract that statement if it were not true. He attacked the whole body of their territorial laws and urged revolutionary changes therein. So insulting did the legislature consider the address, both in its matter and the manner of its delivery, that as they listened in silence to its "semi-dramatic" reading,<sup>14</sup> they concluded to treat it with silent contempt throughout. No copies were ordered printed;

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commonwealth, should thus be menaced without reason. As a matter of fact, however, President Young was not so much annoyed as his enemies hoped he was. "In regard to their location," he remarked, in referring to the army at Camp Douglas, "I will say that after all the insult that has been offered, they are in the best place they can be in for doing the least injury. If they were at Camp Floyd or Fort Bridger, they would go unrestrained, but here they cannot do much hurt." (*History of Brigham Young, Ms.*, Oct., 1862, p. 960).

14. "The governor proceeded to a semi-dramatic reading of a document, which for length would have done honor to Henry A. Wise"—United States senator. (George A. Smith's letter to Bernhisel, Dec. 15th, 1862, *History of Brigham Young, Ms.*, p. 1059). The governor had taken the pains to invite all the representatives of federal officialdom to be present at the reading of the message, including Colonel Connor and other army officers. (*Ibid.*)

and there appears nothing in the current impression of the *Deseret News*, nor in the record of the legislative assembly, to show that Governor Harding was even so much as present on the day he read his message to the conjoint assembly. "It was written entirely for another longitude," wrote George A. Smith to Delegate Bernhisel, "the neglect here [i. e. to publish it] may enable him to give it a wider circulation elsewhere."<sup>15</sup> And it did; for when the fact was communicated to congress that the legislature had suppressed the governor's message, it became the subject matter of a senate resolution directing the senate committee on territories to inquire into the causes of such suppression and report thereon. This brought forth a very unfavorable report upon the action of the Utah legislature by the committee, which recommended that one thousand copies of the message of Governor Harding be printed by congress and sent to the governor for distribution, which recommendation was adopted.<sup>16</sup> The report of the committee influenced by the anti-"Mormon" prejudice that obtained in the east, and uninfluenced by the consideration of any defensive *data*, or adequate setting forth of the cause of the people of Utah, was more prejudicial to the "Mormon" cause than the message of the governor, whatever "longitude" it was intended for, could possibly have been.<sup>17</sup>

#### A BLOW AT LOCAL SELF-GOVERNMENT

The triumph which came to the governor in this instance encouraged him and the two associate justices of the supreme court, Judges Waite and Drake, to enter into what was nothing less than a conspiracy to overthrow all semblance of what remnant there was of popular government in a ter-

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15. *Ibid.* The governor's message to the legislature will be found complete in Tullidge's *History of Salt Lake City*, chapter xxxiii, pp. 291-305.

16. The first action of the senate committee was taken on the 16th of Jan., 1863; and the report of the senate committee was brought in on the 13th of the following month. (See *Congressional Globe* of those dates, also Waite's *Mormon Prophet*, pp. 83-4).

17. Extracts showing the general trend of the report will be found in Waite's *Mormon Prophet*, pp. 83-4.

ritory of the United States. The scheme was hatched in the fertile brain of Judge Waite, who drew a bill amendatory of the organic act, which created Utah a territory in 1850. Its chief provisions are here stated:

First: It aimed to strike down what had become the courts of the people—the county probate courts—by limiting their jurisdiction to the probating of wills, to issuing letters of administration, and the appointment of guardians.<sup>18</sup>

Second: It authorized the marshal to summons *any persons within the district in which the court is held, that he thinks proper as jurors.*

Third: It authorized the governor to appoint and commission *all* militia officers, including the major general, and remove them at pleasure. It also conferred on the governor authority to appoint the days for training.<sup>19</sup>

This measure was forwarded to Washington with the recommendation by Governor Harding and Judges Waite and Drake that it be enacted into law. It was introduced into the upper house of congress by Senator O. H. Browning, of Illinois, and referred to the committee on judiciary.

#### RESENTMENT OF THE LEGISLATURE AND THE PEOPLE

As soon as these movements were reported from Washington by Delegate Bernhisel, and William H. Hooper, then in Washington, they caused great indignation in Utah, as a result of which a mass meeting was assembled at the "Old Tabernacle" at which the course of the governor and the two judges was fully exposed and denounced as a conspiracy against the liberties of the people and the interests of the territory. Albert Carrington read the correspondence from Washington disclosing the part that Messrs. Harding, Waite,

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18. The matter of the territorial laws enlarging the powers of the probate courts of Utah beyond the usual powers of such courts, in order to retain some measure of the rights of local self-government in things judicial, and a justification of that procedure has already been considered in this History, chapter cii.

19. See synopsis of the bill sent to Salt Lake City in a letter from Bernhisel, (*Deseret News* of March 4th, 1863).

and Drake had taken in introducing the proposed obnoxious legislation; and strong speeches were made by John Taylor and Brigham Young. A series of eight emphatic resolutions were adopted; one required the appointment of a committee to wait upon the offending officials and request them to resign their office and leave the territory; another called for drafting of a petition to the president of the United States asking for the removal of the three officials, and the appointment of "good men in their stead." John Taylor, Jeter Clinton, and Orson Pratt were appointed the committee to make the request for the resignation of the offending officials and their retirement from the territory. The day following the mass meeting the committee called upon these officials and delivered their message, but there was unanimous and emphatic, not to say vehement,<sup>20</sup> refusal on their part to comply with the request of the people.

The petition to the president set forth that the governor and associate justices were "endeavoring to create mischief and stir up strife between the people of the territory of Utah and the troops at Camp Douglas; \* \* \* and, of far graver import in our nation's present difficulties, between the people of the aforesaid territory and the government of the United States."<sup>21</sup>

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20. Judge Drake for instance described as a man of "thin, wiry frame, dark hair, and a nervous-bilious temperament," is reported to have said to the committee: "Go back to Brigham Young, your master,—that embodiment of sin and shame and disgust,—and tell him that I neither fear him, nor love him, nor hate him; that I did not come here by his permission, and that I will not go away at his desire, or by his directions." (Waite's *Mormon Prophet*, p. 99). The request for these officers to leave the territory grew out of the fact that Governor Harding had frequently expressed a willingness in the early days of his sojourn in Utah to resign and leave the territory "whenever he learned that his acts and course were not agreeable to the people." The committee, on his refusal to comply with the request to resign and leave the territory reminded him of his repeated declaration, and told him if he was not satisfied that the resolutions of the mass meeting expressed the feelings of the people, "he could have the expression of the whole territory." "I am aware of that," he replied, "but that would make no difference." (Report of Messrs. Taylor, Clinton, and Pratt, *Deseret News* of March 4th—Brigham Young's speech—of the 11th of March, 1863. See also letter of George A. Smith to Delegate Bernhisel, *History of Brigham Young, Ms.*, Dec., 1862, pp. 1058-60). This declaration of Governor Harding of willingness to resign and leave the territory should he become obnoxious to the people, invited the action of the people through their committee, and of course the judges were included in that invitation.

21. The petition and resolutions of the mass meeting, together with a very



This petition was numerously signed, and many other mass meetings were held throughout the territory in support of the steps taken to remove the governor and judges. There were also some mutterings of threats heard on the streets against these conspiring federal officers. These, however, were promptly reproved,<sup>22</sup> and, never formidable, soon died out.

THE COUNTER PETITION OF THE MILITARY OFFICERS *et al*

A counter petition, approving the course of Governor Harding and the judges was drafted; and, contrary to the rule that the military abstain from interference in civil affairs, was signed by Colonel Connor and all the commissioned officers then stationed at Camp Douglas. "Our respectful opinion is," concluded their petition to the president, "that there is no good and true cause for the removal of his excellency, Governor Harding, and Judges Drake and Waite, from the offices they now hold."<sup>23</sup>

All this, however, was to no purpose; for while all that was asked for in the petition of the people was not granted, Governor Harding was removed from office in May following,<sup>24</sup> and James Duane Doty, who for nearly two years

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elaborate account of the meeting of the 3rd of March, the speech of John Taylor in full, a lengthy synopsis of Brigham Young's speech, and an account of the action of the committee in waiting upon the three federal officials will be found in *Deseret News* of the 4th and 11th of March, 1863. The anti-"Mormon" version of these incidents, with many omissions of essential facts, however, will be found in Waite's *Mormon Prophet*, chapter vi.

22. "If we thought," said the *Deseret News*, editorially, referring to this matter,—"If we thought that there was a citizen so far lost to self-respect as to offer an indignity by word or act to such persons [the officers in question], we should certainly commend him to the care of his friends. The people *en mass* have rendered a legitimate verdict upon the conduct of the men whom the government pays to serve them, and if the said servants are so indigent as to require such unwelcome bread, let them by all means eat it in peace, it is bitter enough. They cannot hire any man to do to them the service they so earnestly seem to desire." (*Deseret News*, impression of March 11th, 1863).

23. The petition in full with the names of all the officers signing it will be found in Waite's *Mormon Prophet*, pp. 95-7.

24. Stenhouse hints at another reason than this concerted action with the judges against the liberties of the people of Utah as being the cause of Harding's removal. "There are no castle walls high enough in Utah to conceal even private life, when the saints are after an enemy; and they were not long in discovering that S. S. H. [the governor] was not the proper person to lecture them on the immorality of polygamy. His removal did credit to the government." (*Rocky Mountain Saints*, p. 609, note).



had been superintendent of Indian affairs in the territory, was appointed to succeed him. Judges Waite and Drake were not removed from office; but, as stated by a writer favorable to them, the change in the governorship of the territory, together with the fact that the government manifested no disposition to furnish "a military force of at least five thousand men, well armed and equipped," to support them in their endeavors to administer the law in the territory—a demand they had made immediately following the mass meeting in Salt Lake of the 3rd of March—convinced them that "the government was not then prepared to meet the questions which had arisen in such a manner as the dignity and honor of the nation required; and accordingly all effort to further counteract the evil effects of this intolerant theocracy were for the time abandoned."<sup>25</sup> With the appointment of Doty as governor, and the political subsidence of Judges Drake and Waite, the prospect for affairs settling into normal conditions was much improved.

At the time Doty was appointed to succeed Harding, Chief Justice Kinney was succeeded by John Titus of Pennsylvania, and Secretary Frank Fuller, was superceded by Amos Reed, who had come into the territory with Governor Doty from Wisconsin. The dismissals and appointments were compromises. "The government was striving to restore peace in Utah."<sup>26</sup> "The president endeavored to restore peace by making concessions on both sides."<sup>27</sup> Harding was appointed to the chief justiceship of Colorado territory; Chief Justice Kinney who had been very offensive to the non-"Mormons" of Utah for his alleged subserviency to Brigham Young, was dismissed to satisfy them. Of the newly appointed officers Governor Doty was "a very discreet gentleman;" Mr. Reed, the secretary, "was conservative;" Judge Titus was then unknown, but subsequent acquaintance

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25. Waite's *Mormon Prophet*, pp. 104-5.

26. *Rocky Mountain Saints*, p. 609.

27. Bancroft's *History of Utah*, p. 621.

showed him to be in harmony with Mr. Lincoln's three word policy for the saints of Utah, *viz*, "*Let them alone.*"<sup>28</sup> He also adds: "To be left alone was all that the people asked and all that they had struggled for since Utah was first admitted as a territory."

JUDGE KINNEY—NON—"MORMON"—ELECTED TO CONGRESS

The superceded Chief Justice, John F. Kinney, doubtless out of consideration for his fidelity to the interests of the people of Utah, was elected delegate to congress in the fall of 1863, and took his seat in the winter following. Between the time of his nomination and election—and his election was unanimous—he made quite a thorough canvass of the territory, not so much for the purpose of soliciting votes, as becoming acquainted with the needs of the people and of the territory he was to represent in congress.<sup>29</sup> Judge Kinney arrived in Washington, and was seated as delegate from Utah, at a most opportune time. In the early days of the 38th congress—known as the "War Congress"—Fernando Wood, a representative from New York City—of which two years before he was mayor—made a set speech on "Confiscated Property," and by way of illustration of his theme made incidental reference to what he called the "Mormon Rebellion," in which he alluded to the "Mormons" as "profligate outcasts," who had "always been hostile to the moral and political institutions of the United States." This gave Judge Kinney an opportunity to make a successful defense of his people; and all the more so because his opponent was particularly vulnerable before that congress, being classed as one of the leaders of that group of men who were opposed to the suppression of the "Southern Rebellion" by force—dubbed by their opponents "Copperheads." Wood had introduced him-

28. *Rocky Mountain Saints*, p. 609; and Bancroft's *History of Utah*.

29. So far Utah had been represented in congress by Dr. John M. Bernhisel 1850-1859; by Captain W. H. Hooper 1859-1861; by Dr. John M. Bernhisel again, 1861-1863; Judge Kinney 1863-1865; Captain W. H. Hooper was elected again in 1865 and served four consecutive terms, from 1865 to 1873, when he was followed by Honorable George Q. Cannon.

self into the activities of the house of representatives by proposing a resolution declaring the war then raging "*inhuman*;" in his speech of the 26th of January, in which he made his reference to the "Mormons," he had characterized the war as a "*hellish crusade of blood and famine*." Also while mayor of New York City, he had telegraphed regrets to Governor Robert Toombs of Georgia that arms *in transitu* for the state of Georgia had been taken possession of by the police of New York; and also declared that if he had had the power he would have summarily punished the authors of that unjustifiable seizure. This in January, 1861. This put representative Wood at the mercy of the delegate from Utah, who declared that if he had the full privileges of a member of congress, instead of the limited ones of a delegate, he would "introduce a resolution to expel the gentleman from New York as unworthy to occupy a seat upon the floor of congress." The delegate denied the existence of any rebellion in Utah at any time; charged the "Utah Expedition"—which he declared had cost the government "forty millions of dollars"—to the designing treason of John B. Floyd, secretary of war in the late Buchanan administration; held that sending the army to Utah at so large an expense, and attended with such destruction of munitions of war, was intended to assist in preparing the way for the "Southern Rebellion."

"That was all there was of the 'Mormon Rebellion,' as the gentleman called it," said Utah's delegate, "not a rebellion by the 'Mormons,' " not at all, but a military expedition, set on foot and carried into effect in 1858 [beginning in 1857] by John B. Floyd, for the purpose which I have already stated; and it has had its effect. It has crippled the north. For the time being it crippled and impoverished the treasury of the United States; and Mr. Floyd and Mr. Buchanan were content, for it cost the government nearly forty million dollars."

Of the people of Utah he said:

"Sir, the people of Utah have under all their discouragements and embarrassments built up a beautiful city in the midst of the great

American desert. They are feeding, and have been for years, the employees of the overland mail. They are furnishing the necessary supplies for the purpose of developing the resources of the rich mineral regions which surround them. They have afforded a safe retreat from the Indians to the wayfarer as he passes on his weary pilgrimage to the other side of the Rocky Mountains, for the purpose of developing the resources of the Pacific coast."<sup>30</sup>

All this strong Union sentiment was acceptable to the strongly pro-Union house, and gave Mr. Kinney a prestige which enabled him all the better to serve his constituents and get some measure of relief for them in the way of congressional appropriations. He procured a large number of post offices for remote settlements that had long suffered for the need of them;<sup>31</sup> he supplemented and carried to successful conclusion the efforts of Delegate Hooper in obtaining a settlement of outstanding claims of the territory for the expenses of the Indian war of 1850.<sup>32</sup> He secured some arrears due the legislative assembly of the territory for pay and mileage of members amounting to about \$20,000.<sup>33</sup> He also obtained favorable actions by the department of Indian affairs on applications for land warrants for early military service—about two hundred in number.<sup>34</sup>

Later, *viz.*, March 17th, of the same year, Judge Kinney introduced a bill in the house for the admission of Utah into the Union, and set forth her claims to that right in a very able speech that occupied some two hours in its delivery,<sup>35</sup> but the judge's effort, like those which had preceded it, was of no avail.<sup>36</sup> The judge proved himself a very acceptable dele-

30. *Congressional Globe* of Jan. 28, 1863.

31. *Deseret News* of March 2, 1864.

32. Cf. Bancroft's *History of Utah*, pp. 605-6; Whitney's *History of Utah Biographies*, vol. iv, pp. 670-1.

33. *Congressional Globe*, 26th March, 1864; also *History of Brigham Young, Ms.*, March, 1864, pp. 106-11.

34. Whitney's *Biography of Kinney*, *History of Utah*, vol. iv, pp. 668-671.

35. See *Congressional Globe* of 23rd of March, 1864. The speech is also published in *Deseret News* of April 27th, 1864. For closing paragraphs of the speech see *Note* end of this chapter.

36. The attitude of the *Deseret News* at this time on the subject of statehood—and of course representing the position of the "Mormon" church leaders, is expressed in the following quotation: "We hear of this thing being whispered and the other proposition being made for Utah's acceptance as a condition of entrance into the family



gate in congress, but after the expiration of his single term in that office, he took up his residence in Nebraska.

#### AGITATION RESPECTING AN IMPENDING ARREST OF BRIGHAM YOUNG

As illustrating the nervous strain, and the constant danger that existed of a rupture between the military force at Camp Douglas and the local civil authorities and the people during this period, it should be said that grave apprehension existed that an attempt would be made to arrest Brigham Young by a military force for an alleged recent infringement of the anti-bigamy law, and subject him to unusual judicial procedure. Hence the fragment of a conversation between Colonel Connor and Judge Waite—overheard by “a reliable person”—in which the colonel said: “These three men must be surprised;” and the judge replied: “Colonel, you know your duty”<sup>37</sup>—was supposed to have reference to a plot to arrest Brigham Young and his two counselors by the military. The fragment of conversation was promptly reported at President Young’s office, and within half an hour after a preconcerted signal was displayed from the president’s office,<sup>38</sup> one thousand citizens under arms were on duty; followed half an hour later by another thousand.<sup>39</sup> No attempt was made to arrest the president. On the part of the watchful saints it was said that the sudden display of force “proved to them [the colonel and the judges] that we were fully prepared for them.”<sup>40</sup> The

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of states; but we know of nothing outside of constitutional obligations that congress has a right to ask or we could be justified in accepting.” (*Deseret News* of April 27, 1864).

37. Bancroft in a footnote states that “the Mormons feared that Brigham might be taken to Washington for trial,” and cites *Harrison’s Critical Notes on Utah, Ms. History of Utah*, p. 613 note 24. Stenhouse also mentions the belief of some that Connor “entertained the idea of making a dash upon the prophet’s bedroom in the dead of night, seizing him, and running him off to the states before the Mormons could learn of his situation, and render him any assistance.” (*Rocky Mountain Saints*, p. 607).

38. This was the United States flag raised upon the top of President Young’s Beehive house in the daytime, and the firing of a canon was to be the signal at night. (*History of Brigham Young, Ms.*, March, 1863, p. 280).

39. Letter of David O. Calder to George Q. Cannon, dated March 13th, 1863, *Millennial Star*, vol. xxv, p. 301.

40. David O. Calder’s letter to Cannon before cited, *Millennial Star*, vol. xxv, p. 301.



colonel and the judges disclaimed any intention to arrest Brigham Young.<sup>41</sup> To prevent the possibility of an arrest by military authority, with all its danger of an armed conflict, a friendly complaint was filed before Chief Justice Kinney, charging Brigham Young with violation of the anti-bigamy law. He was arrested by Mr. Isaac L. Gibbs the United States marshal, without a *posse*, and promptly appeared before Judge Kinney in chambers at the state house (the "Old Council House"), where he was bound over to await the action of the grand jury at the next term of the United States court for the third district, which included Salt Lake City—Judge Kinney's district. His bail was fixed at two thousand dollars.<sup>42</sup> By the time the next term of court arrived the excitement had blown over, the grand jury found no indictment against President Young and he was discharged from his recognizance, and this *sans reproach* to the grand jury. The law had been enacted by a legislative body 2,000 miles distant, in which the community immediately affected had no voice; it was in the nature of foreign legislation to them, enacted by legislators influenced by the clamors of sectarian opponents of the dominant religious community in Utah, and was to be enforced by officers—judges and marshals—appointed by the

41. Waite's *Mormon Prophet*, p. 106. Colonel Connor disclaimed such intention to Bishop John Sharp, to which the latter replied that after the colonel had declared such intention "it would be hard to make men believe he had not." (*History of Brigham Young, Ms.*, March, 1863, p. 288). Stenhouse explains that the "three persons" to be "surprised" had reference to a man who, it was rumored, had married "the three widows of a wealthy merchant, and who were living within sight of Judge Waite's residence." It was thought that this case might prove an excellent one with which to test the new bigamy law. The difficulty that might arise from Judge Waite—who had been assigned to the southern district—acting within Judge Kinney's district, while the latter was present, is said to have prevented the arrest of the party who had married the merchant's wives. (*Rocky Mountain Saints*, p. 607, note). Linn seems to concede that Connor was to arrest Brigham Young, and even represents him as on the march for that purpose when he heard of the president's "friendly" arrest, and of his being taken before Judge Kinney. "Colonel Connor was informed of this [Young's] arrest before he arrived in the city, and retraced his steps, and the citizens dispersed to their homes." (*Story of the Mormons*, p. 549).

42. See *Deseret News* of March 11th, 1863. Linn puts the bail at \$5,000, an error. He also declares that Colonel Steptoe, who, in the closing month of 1854, had joined in a petition to President Franklin Pierce, praying for the retention of Brigham Young as governor of Utah, claimed the credit of making this suggestion of the "friendly" arrest of Brigham Young in order to place him beyond the reach of the military authorities. (See Linn's *Story of the Mormons*, p. 549; also *Overland Monthly*, for Dec., 1896).

federal government, and made arrogant by the presence of a military force in sympathy with their crusading methods. Besides, the act charged against Brigham Young as an offense was regarded by the local community as an act of religious privilege, and, under some circumstances, a religious duty. The law itself, besides being obnoxious for the several reasons herein set forth, was regarded quite generally as unconstitutional, being, as was claimed, an unwarrantable infringement upon religious liberty and the free exercise thereof.<sup>43</sup> Under all these circumstances it could scarcely be expected that a grand jury, necessarily under the territorial law a "Mormon" body, would indict Brigham Young for alleged infringement of the anti-bigamy law; and yet that seems to have been expected of them by anti-"Mormon" writers.<sup>44</sup>

Another illustration of the feverish excitement that obtained in these troubled months, arose from the night firing of cannon at Camp Douglas. This between ten and eleven o'clock on the 29th of March. It was thought in the city that this firing might be the expected attack of Connor's command upon the city from Camp Douglas and the citizens, especially those who had been detailed as armed guards for the protection of President Young, caught up their arms and made haste to his residence in anticipation of a conflict. As they assembled, however, the strains of martial music could also be heard, and presently it was learned that the booming of cannon and the music of the bands was but the rejoicing of the camp over the news just then received by telegraph message that Colonel Connor had been promoted to the rank of Brigadier General for his victory over the Indians on Bear river

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43. It is important to note that this was the attitude of the church as expressed editorially by the *Deseret News*: "It is well known that the Latter-day Saints have publicly proclaimed for many years, through their discourses and published volumes, the divine right of polygamy. It rests upon the sacred scriptures for its foundation. As a principle, it is incorporated into, and forms part of our religious faith. Our fathers, in forming the federal Constitution, wisely guarded and protected the religious rights of the citizen. Left free to adopt such faith and mode of worship as the subject might choose, he was secured from all intolerance and interference by law or otherwise." (*Deseret News* of March 11th, 1863).

44. See Stenhouse in *Rocky Mountain Saints*, p. 605. Waite's *Mormon Prophet*, p. 106.

on the 29th of January, 1863; and the whole camp had turned out to celebrate the occasion. Such was the tension between camp and city, however, that an incident of this kind could impel hasty and excited preparations for a battle!

#### CONNOR'S INDIAN CAMPAIGN ON BEAR RIVER

The brief campaign of Colonel—now General—Connor against the northern Indians on Bear river was a very great service to the people of Utah, and to the immigrants on the northern overland routes to Oregon and California; and for it Connor was fully entitled to the promotion he received. For some time the Bannock and Snake tribes had been the terror of the north and central routes to California, and a menace to the settlements in Cache and other northern valleys of Utah. Two previous expeditions had been sent against them from Connor's command under Major McGarry, but they were not sufficiently decisive in results to correct the marauding and thieving practices of these northern Indians. Connor's campaign against them arose from a reported attack upon two companies of miners *en route* from the Grass-hopper gold mines in Dakota territory to Salt Lake City. William Bevins, a miner in the second party, reported that himself and seven other men were attacked by Indians in Cache valley; one of the party was killed and Bevins and the others lost gold dust, animals, and other property to the amount of two thousand dollars; that another party of ten men, also from the Dakota mines, who had preceded himself and companions into Cache valley by only three days, had been murdered by the Indians. To these statements Bevins made affidavit before Chief Justice Kinney, who issued a warrant for the arrest of three chiefs—Bear Hunter, Sandpitch and Sagwitch. This was delivered to United States Marshal Isaac L. Gibbs with instruction to make the arrests. Meantime a detachment of Connor's command, numbering about three hundred men all told, was being made ready at Camp Douglas to move against these Indians in force, the

colonel commanding believing that in these recent attacks upon the two parties of miners he had justification for such procedure, to say nothing of the repeated attacks he believed the same Indians to have made upon California and Oregon immigrant companies through many years. The United States marshal, although there was little prospect of his having any opportunity to arrest the chiefs for whom he held warrants, accompanied the expedition.

Colonel Connor's force found the Indians encamped in a ravine leading up from Bear river through an ascending plain towards the mountains, at a point about fifteen or eighteen miles from the town of Franklin, now in Idaho, then in Washington territory. Here in a four hours' fierce engagement, during which the Indians fought most desperately, a decisive victory over the savages was won; from two hundred and fifty to three hundred of them being slain, mainly warriors, Chiefs Bear Hunter and Lehi being among the number. It was reported at the time of the battle that only about fifteen warriors escaped, among whom were Chiefs Pocatello, Sandpitch and Sagwitch, supposed to be in the fight. Some squaws were killed and the rest, one hundred and sixty in number, were left amid the burned ruins of their camp to shift for themselves. About a thousand bushels of wheat and a large amount of beef and provisions, together with a large supply of ammunition, was found in the encampment. There were abundant evidences in the camp of immigrant plundering having been indulged by these Indians, such as their possession of modern cooking utensils, looking glasses, combs, brushes, fine rifles and pistols—all which had been taken from the immigrant companies they had attacked and robbed. Now and then wagon covers bearing the names of their unfortunate owners were found stretched upon the poles of tepees. What the victors thought worth bringing to their post they brought with them, and the rest they destroyed, except that they left enough of the provisions and camp furnishings for the preservation of the squaws and children.



Among the trophies of war were one hundred and seventy-five ponies that the Indians had tied up to the willows during the fight. All this plunder was afterwards sold at public auction at Camp Douglas.

The campaign was made at a time when the country was covered by deep snow, and the weather intensely cold. Seventy-nine of the command had their feet frozen, forty-nine were wounded and fourteen killed in the battle. Officers and men acquitted themselves as efficient fighting men, of which the results of the battle are the best evidence; and the two Indian tribes, the Bannocks and Snakes, that for fifteen years had been a terror to the immigrant trains, as well as to the citizens of northern Utah, received a chastisement which it was never afterwards necessary to repeat.<sup>45</sup> While the terrible slaughter of the savages was regrettable, yet nothing short of Connor's severity, perhaps, could have broken their strength or taught them the necessary lesson of submission to the inevitable—submission to the white man's domination.

The Indians in this brief campaign learned that war was just what General Sherman declared it to be. They were doubtless living in fancied security in carefully selected winter quarters, when the sudden destruction fell upon them. Cut off from retreat up the ravine towards the mountains by one division of Connor's command, and forced down it to where it debouched upon Bear river, they were met by another division where an enfilading fire so piled up the dead that above forty were found in one heap. Connor reported having counted 224 bodies of dead Indians on the field, how many more were killed he could not say, as his wounded required his immediate attention.<sup>46</sup> As counted by an eye witness from the town of Franklin who visited the battlefield,

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45. Quite a detailed and sympathetic account of this expedition against the Bannocks and Snake Indians will be found in the *Deseret News* of the 28th of January, 1863, and the 4th and 11th of February of the same year.

46. Official report to Lieutenant Colonel R. C. Drum, assistant adjutant general, U. S. A., department of the pacific, date of Feb. 6th, 1863, published in Tullidge's *History of Salt Lake City*, pp. 283-286.



the dead numbered 386, "besides many wounded who afterwards died. About ninety of the slain were women and children."<sup>47</sup>

Connor reported Chiefs Bear Hunter, Lehi, and Sagwitch as among the dead; the last named, however, was not killed at the Bear river battle, he was reserved for a more inglorious fate a few months later.<sup>48</sup> Bear Hunter was killed while moulding bullets; he pitched forward into the fire when shot, and perished miserably.<sup>49</sup> "The morning after the battle, following an intensely cold night, a soldier found a dead squaw lying in the snow with an infant, still alive, which was trying to draw nourishment from its mother's icy breast. *The soldiers, in mercy to the babe, killed it!*"<sup>50</sup> Matigan, a crippled Indian, who went to the battlefield with the soldiers as a guide, and was at the scene immediately after the fight, "said that the way the soldiers used the squaws after the battle was shameful."<sup>51</sup> The number killed, and these outrages following, justify the remark of Bancroft that "had the savages committed this deed it would pass into history as a butchery, or massacre."<sup>52</sup>

Connor in his official report did the "Mormons" of northern Utah a great injustice. He said:

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47. Colonel J. H. Martineau, of the Utah militia, author of *A Sketch of the Military History of Cache Valley*, quoted by Tullidge, *History of Salt Lake City*, pp. 289-290.

48. In the following July Sagwitch was on his way to a treaty meeting to be held at Brigham City, Utah, July 30th, where Governor Doty and General Connor were to meet the Shoshones for treaty purposes. The chief was taken prisoner in Box Elder canon by a small detachment of Connor's command serving as an escort to a government train. When Governor Doty heard of the capture he sent an express to the officer in command of the detachment, informing him of the contemplated treaty and expressing a hope that no violence would be done the chief. This, however, did not save Sagwitch from violence, for during the following night, and while strongly guarded, he was shot by some unknown person, the ball entering his left breast and passing through the right shoulder. (*History of Brigham Young, Ms.*, entry for July, 1863, pp. 814-815).

49. *Martineau's Narrative*, Tullidge as before, p. 290.

50. *Ibid.*

51. S. Roskelly's letter to Ezra T. Benson and Peter Maughan, date of February 8th, 1863. Copied into *History of Brigham Young, Ms.*, entries for Feb., 1863, p. 146. Martineau reports the same kind of outrages, saying that some of the squaws were killed because they would not quietly submit. (*Ibid.*, p. 144).

52. *History of Utah*, pp. 631-2.

"I should mention here that in my march from this post no assistance was rendered by the Mormons, who seemed indisposed to divulge any information regarding the Indians and charged enormous prices for every article furnished my command."<sup>53</sup>

In refutation of this may be cited the *Deseret News*'s sympathetic account of the whole expedition both while forming,<sup>54</sup> and also in recording its achievements. In the first place it is evident that the "Mormons" did not have any definite knowledge of the location of the Indians. "Of the present condition and number of the Indians, and their locality," said the *News*, "we have heard various reports; the commander of the troops, however, we anticipate, marches with the expectation that he will come up with the redskins about eighty or ninety miles from here on Bear river, and that with ordinary good luck the volunteers will 'wipe them out,' if the chiefs named in the writ do not deliver themselves up."<sup>55</sup> Besides a prominent "Mormon," Porter Rockwell, was Connor's chief guide on this expedition.

The colonel also said in his report that he had "destroyed over seventy lodges and a large quantity of wheat and other provisions *which had been furnished by the Mormons.*" Relative to this, and before the battle on Bear river, and therefore before this charge was made by Colonel Connor, the *Deseret News* had said:

"In this connection it may be stated that we have heard of charges against parties trading with the Indians, purchasing from them emigrant plunder, and in return supplying them with 'munitions of war.' We expect that unprincipled persons are to be found on every frontier who would purchase from Dick, Tom, or Harry, if they could get a bargain without regard to the color—white, red or black, of the seller. There is no apology for such illegal traffic, and if our information is correct, the present expedition north is likely to seek some light on this subject. We wish this community rid of all such parties, and if Colonel Connor be successful in reaching that bastard class of humans who play with the lives of the peaceable and law-abiding citizens in this way, we shall be pleased to acknowledge our obligations."<sup>56</sup>

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53. *Deseret News* of 28th January, 1863.

54. *Ibid*, impressions of Feb. 4th and 11th, 1863.

55. *Deseret News* of Jan. 28th, 1863.

56. *Deseret News*, impression of Jan. 28th, 1863.

As to high prices charged for things, Colonel Connor must have compared the prices of what he bought in the northern settlements of Utah, in that midwinter season, and in the midst of great scarcity, with remembered prices in his California home. As to the sympathetic report of the battle referred to, the *Deseret News* said:

"From every statement that we have heard from those who were on the field, we conclude that the volunteers must have met the Indians with a bravery seldom equalled by regulars. Instances of individual daring are so numerous that it would be invidious to give the names of only the few that may have reached our ears; we, therefore, leave their mention for the official report. The wounded now in camp bear on their persons the evidences of close work."<sup>57</sup>

And as for no assistance being rendered by the "Mormons," the *Deseret News* said:

"We are glad to learn that the citizens of the settlements through which the wounded returned, contributed in every way they could to their comfort."<sup>58</sup>

Colonel Connor sent to the bishop of Franklin for ten sleighs on which to move the wounded from the field, and they were furnished.<sup>59</sup> Martineau in his *Military History of Cache County* has the following passage:

"On their return the troops remained all night in Logan, the citizens furnishing them supper and breakfast, some parties, the writer among the number, entertaining ten or fifteen each. The settlers furnished teams and sleighs to assist them in carrying the dead, wounded, and frozen to Camp Douglas. In crossing the mountains between Wellsville and Brigham City the troops experienced great hardships. They toiled and floundered all day through the deep snow, the keen, whirling blasts filling the trail as fast as made, until, worn out, the troops returned to Wellsville. Next day Bishop W. H. Maughan gathered all the men and teams in the place and assisted the troops through the pass to Salt Lake valley."<sup>60</sup>

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57. *Deseret News* impression of Feb. 4th.

58. *Ibid.*

59. Letter of Alexander Stalker to Peter Maughan, date of Jan. 30th, 1863—the day after the battle, copied into the *History of Brigham Young, Ms.*, pp. 107-110.

60. Quoted by Tallidge, *History of Salt Lake City*, p. 290.

The wounded were brought as far as Farmington in sleighs, and there the snow having mostly disappeared, they were changed from the sleighs to carriages and wagons and conveyed to Camp Douglas.<sup>61</sup>

The views of the citizens of northern Utah with reference to the results of this campaign—while they could do no other than deplore the cruelty of it—is well expressed in the following passage from the *Military History of Cache Valley*:

“The victory was of immense value to the settlers of Cache county and all the surrounding country. It broke the spirit and power of the Indians and enabled the settlers to occupy new and choice localities hitherto unsafe. \* \* \* It made the flocks and herds and lives of people comparatively safe; for though the survivors were enraged against the people of the county, whom they regarded as in a manner aiding and abetting the troops, they felt themselves too weak to forcibly seek revenge.”<sup>62</sup>

The peace made inevitable by this battle on Bear river was formally ratified by several treaties with the Indian tribes of the north in the following summer.<sup>63</sup>

#### NOTE

##### JUDGE KINNEY'S APPEAL FOR STATEHOOD

“Following in the wake of Nebraska, Colorado and Nevada, I have had the honor of presenting a bill for an enabling act to authorize the people to form a state government. This I trust will be more fortunate, (i. e. than former efforts to obtain statehood).

Mr Chairman, in forming your new western states it is proposed to jump over Utah and take in Nevada, that is but an off-shoot

61. *Deseret News*, Feb. 11th, 1863.

62. Martineau quoted by Tullidge, *History of Salt Lake City*, p. 290.

63. One of these peace treaties was made at Brigham City with the Shoshones on the 30th of July, at which Governor Doty and General Connor represented the government, while Pocatello and Sandpitch, with other chiefs, represented the recently hostile bands of Indians. (*Deseret News*, vol. xiii, p. 37). About the same time representatives from the Bannock tribe visited Governor Doty and sued for peace, which later led to a meeting with these Indians in Ruby valley, Nevada, where Governor Doty, and the governor of Nevada met with them and entered into a formal treaty by which peace was secured, and the Indians were granted an annuity of \$5,000. This on the first of October. (*Deseret News* of Oct. 14th, 1863). Later Governor Doty and General Connor met northern tribes of Indians at Soda Springs where a peace treaty negotiated early in the summer by the general at Fort Bridger was ratified. (*Ibid*).



of Utah, once belonged to her western boundary, has had a territorial existence of only about three years, and has far less population than Utah? It is proposed to take in Nebraska, lying immediately west of the Missouri river, Colorado west of it, and then take in Nevada, and leave out the most valuable and important link in your chain of states to the Pacific? Why, sir, these territories are infants in age and population when compared with Utah. Fourteen years has Utah had a territorial existence, and at no period since her organization has she not had a larger resident population than either Nebraska or Colorado.

In behalf of near one hundred thousand people I protest against this unjust discrimination. In behalf of those who first \* \* \* gave you to know and understand that there was a great and mighty west, rich in mineral resources, way beyond the Rocky Mountains, I ask for justice and equality. In behalf of those who with their lives in their hands in an Indian country have reclaimed your deserts, prepared the way for your great postal inter-oceanic communication, your telegraph and Pacific railroad, who have contributed more to the settlement of California by reason of the facilities and position of their settlements than all the ships of the Pacific, I ask for justice and equality. In behalf of those who follow with intense interest and anxiety your flag; whose whole heart beats in unison with the Constitution and government, and who, if admitted, will be represented in congress by those who will vie with the foremost in sustaining your nationality, I ask that you do not turn them coldly away, and for the third [fourth] time reject their petition and prayer. We come to you in friendship and love. We offer you our devotion, our industry, our enterprise, our wealth, our humble counsels in the affairs of the nation in this the darkest hour of our country's history. We present to you for a state your deserts reclaimed and fertilized by persevering industry and the sweat of uncomplaining toil. We offer you one hundred thousand people who can \* \* \* with pride point you to their cities, their churches, their schoolhouses, their manufactories, farms, and possessions as evidence of their achievements and the result of their industry. Will you accept the offering? The Constitution invests you with the power; exercise it charitably, deal justly, and decide wisely."<sup>64</sup>

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64. *Congressional Globe*, of 23rd March, 1864; also published in *Deseret News* of April 27th, 1864.



## CHAPTER CXXIII

### THE MORRISITE AFFAIR—A PROVOST GUARD FOR SALT LAKE CITY —A THREATENED CONFLICT

ANOTHER incident of this period—1862-3—and one which most always brings regrets with its recital, is what is known as the Morrisite affair. It could be passed over with brief mention so far as the importance of the incident itself is concerned, if, in the first place, anti-“Mormon” malice had not made of the incident an occasion of rank offending on the part of the Latter-day Saint Church leaders, and who class Morris as a martyr to their hatred of a rival;<sup>1</sup> and, second, if Governor Harding by pardoning without just reason, a number of the Morrisites, tried and convicted of murder in the second degree, had not linked up this affair with the series of events which constantly kept the Latter-day Saints in a state of irritation against the United States federal officers in the territory.

#### JOSEPH MORRIS AND HIS VAGARIES

Joseph Morris, the chief figure of the incident, was an ignorant Welshman, who joined the Church of the Latter-day Saints in his native land in 1849; and now, undoubtedly, was become of unsound mind.<sup>2</sup> Under date of September 1st, 1859, he addressed a long letter to President Brigham Young in which he made many incongruous claims respecting

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1. See Waite's *Mormon Prophet*, chapter vii; Stenhouse's *Rocky Mountain Saints*, ch. li; and Beadle's *Life in Utah*, ch. xvii.

2. Morris was born at Burwardsley, Cheshire, near the city of Chester, in 1824. He immigrated to Utah in 1853. Before leaving England he was severely burned, the shock of which is said to have affected his mind. At St. Louis, while en route to Utah, he was stricken with a severe illness, which still further affected his mental balance. He lived some time in San Pete and Utah counties, but finally moved into Weber county, where, and in the north of Davis county, he began to find a following, who accepted his extravagant claims as a prophet. (Jenson's *Historical Notes*, Ms. The facts were supplied to Mr. Jenson by George Morris, brother of Joseph).

himself, among which was that he was the "seventh angel" spoken of in the *Revelation of St. John*.<sup>3</sup>

In addition to this there is in the letter a lot of jumbled vagaries about the resurrection; about the fullness of the keys of the priesthood having been given to him; that he was "the greatest prophet that ever lived upon the earth with the exception of Jesus." "It is true that I hold the keys of the dispensation of the fullness of times," he said, "Joseph Smith was my forerunner; he did that for me which I could not do for myself." Yet with all this he assumed humility: he was inferior in many things to the brethren of the twelve; he wanted to be united with them "heart and hand." "I am willing to give them any privilege that their hearts desire in righteousness," he continued. "Use your liberty and be of good courage for the Lord will be with you and fight your battles, *and prepare yourselves for a speedy Moses*," which character, reincarnated, Morris also pretended to be. Morris directed President Young and the twelve to send out no more missionaries into the world; they were admonished to give their whole attention to the deliverance of Israel, and to opening a door for him that he might come up "to the head of the church." "For," he continues, "I long to have the privilege of meeting with you when I can have the opportunity to speak face to face with you, for I never had the opportunity to make known much unto you, as yet. I have only, as it were, hinted to you, but when I come up to the head of the church I will make known to you all things that are necessary to you."<sup>4</sup>

#### THE INVESTIGATION OF MORRIS

Other letters followed of like general character. Natur-

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3. "And I saw an angel come down from heaven, having the key of the bottomless pit, and a great chain in his hand. And he laid hold on the dragon, that old serpent, which is the devil, and Satan, and bound him a thousand years." (*Rev.* xx:1-2). "Who is that angel," asks Morris in his letter to President Young, "it is your humble servant." (*History of Brigham Young, Ms.*, Sept. 1859, p. 654).

4. Morris' letter is copied *in extenso* into the *History of Brigham Young, Ms.*, entries for Sept., 1859, pp. 653-659.

ally the course of the unfortunate man was annoying, and Brigham Young could not be expected to have much patience with his vagaries.<sup>5</sup> Besides the new "prophet" had been twice excommunicated from the church for immorality, since living in Utah, and even at the height of his career was living in illegal relations with the wife of a man who was demented.<sup>6</sup>

In the course of a year Morris succeeded in gathering about him a following of several score of people, chiefly located at South Weber settlement, near the mouth of Weber canon. The bishop of this ward, Richard Cook, had become a convert to Morris and many of his people were in sympathy with the claims of the latter as an inspired man. Elders John Taylor and Wilford Woodruff, of the council of the twelve, were sent to make inquiries concerning the status of things and to correct any irregularity that might have arisen in that ward of the church. A public meeting of the members of the ward was held on the 11th of February, 1861, and Bishop Cook was required to state his position with reference to the new "prophet," whereupon he very boldly announced his belief in Morris, and declared Brigham Young to be a failure as president of the church. Fifteen others announced a similar faith, whereupon they were excommunicated from the church by Elders Taylor and Woodruff, and the remaining faithful members of the ward.

The hearing was long and great patience was exercised by the two apostles. Morris himself was sent for and given a hearing though it appears that he was not very forceful in presenting his claims, and he had to be strongly urged

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5. Stenhouse charges that Brigham Young made a brief and unbecoming reply, (*Rocky Mountain Saints*, p. 594). Waite says that Brigham made no reply. (*The Mormon Prophet*, p. 122).

6. *Journal of Wilford Woodruff, Ms.*, entry for 11th Feb., 1861. In addition to mentioning the fact in public meeting that Morris had twice been excommunicated for immorality, Elder Woodruff also adds: "I told Morris that he was not a prophet of God, neither the 7th angel [i. e. of John's Revelation, ch. xx]; that when the 7th angel came to earth he would not spend the first year of his mission with a woman whose husband was crazy, and commit adultery with her." Morris tried to deny this latter charge, but Bishop West of Ogden declared the statement of Elder Woodruff to be true. (*Ibid*).

before he would make any statement at all. Bishop Cook was commended by Elder Taylor for his frankness in declaring his belief in the order of things set forth in the claims of Morris. An overzealous brother of the name of Watts, opposed to Bishop Cook and everything "Morrisite," made harsh accusations against the bishop, charging him with lying, with not abiding in the council of President Young, and denouncing him as worthy of destruction. "He made some very unwise statements," says the minutes of the meeting, "which were disapproved by Elders Woodruff and Taylor, and Bishop Cook said he was satisfied with their disapproval" of that which Watts had said. Cook also said that the brethren had "expressed themselves against his 'evils' and 'wrongs' much more moderately than he had expected." In concluding the meeting Elder John Taylor admonished the brethren who had remained faithful in the South Weber ward "to go to work in the fear of God and work righteousness. Treat those well who cannot believe as you do, they have expressed themselves very candidly, you can afford to treat them well. You that profess the principles of Jesus Christ, show it by your works."<sup>7</sup> All which represents fair and gentle treatment towards the brethren so far lost in error.

On the 6th of April following this action of the church authorities, Morris and his following effected an organization. Five persons were baptized that day, who, with Morris, constituted six members—the number with which the Church of the Latter-day Saints started thirty-one years before. Morris became the head of the new "church" with Richard Cook, the deposed bishop of South Weber, and John Banks<sup>8</sup> as counselors.

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7. The minutes are signed by Wilford Woodruff as president of the meeting and by Walter Thompson, clerk. They will be found in full in *History of Brigham Young, Ms.*, Feb., 1861, pp. 58-72.

8. Minutes, *History of Brigham Young, Ms.*, Feb., 1861, p. 72.

9. John Banks had been a very effective elder in the ministry in England, and for a time was associated in the presidency of the British Mission with Elders Reuben Hedlock (president) and Thomas Ward, 1846-7; but after coming to Utah (1857), he fell into intemperate habits, for persistence in which he had been excommunicated



The Morrisites held their property in common; and as they also believed in the immediate coming of the Christ, "in power and great glory," when all their needs would be supplied without labor, they neglected the ordinary pursuits of life and gave themselves up to holding meetings and religious ecstasy.<sup>10</sup> It is said that Morris so abounded with "revelations" that it required three English and three Danish clerks to work daily in order to record the numerous "revelations" received, which in a short time amounted to six volumes, each containing two or three hundred manuscript pages.

The sect rapidly increased in numbers, and they located at a point called "Kington Fort," afterwards changed to "Morris Fort." They soon numbered over three hundred, and before the breaking up of the community that number was increased to between five and six hundred.

Several times the day was set for the coming of the Christ, but he did not come, and the repeated disappointments tried the faith of the disciples. There was murmuring among them, and some began to desire to withdraw from the community plan of life, insisting upon taking with them all they had "consecrated to the common fund," without reference, according to pro-Morrisite representation, to what they had consumed while members of the community. This was resented by the community and led to seizure of stock and property by the dissenters, on the one hand, and to reprisals by the Morrisites on the other, in the course of which several of the dissenters were captured and imprisoned at Kington Fort. Finally an affidavit was made before Chief Justice Kinney setting forth that one John Jensen and three others were unlawfully imprisoned by Joseph Morris, Richard Cook, and John Banks, *et al.* Whereupon his honor issued

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from the church, in November, 1858. Much depressed by this circumstance he appealed to President Young, and was restored to fellowship in the church by rebaptism, on the 18th of November of the above year. (*History of Brigham Young, Ms.*, Nov., 1858, p. 1102).

10. Stenhouse, *Rocky Mountain Saints*, p. 594 and *Beadle's Life in Utah*, p. 415. Both are sympathetic toward Morris.



a writ of *habeas corpus* commanding that the parties unlawfully detained be brought before him. The writ was duly served by Deputy Marshal J. L. Stoddard, but the mandate was not obeyed, the law and the judge were set at defiance, the writ burned, and the marshal threatened and ordered to leave the fort, at the same time being told that no more writs would be served in their camp, "to prevent which," as Marshal Stoddard reported, "they had at least one hundred armed men."<sup>11</sup>

On the 10th of June upon the affidavits of H. O. Hanson and Philo Allen, Chief Justice Kinney issued a second writ of *habeas corpus* directed to the same parties, demanding the forthcoming of the bodies of John Jenson and William Jones, the other two prisoners, associated with these in the former writ, having made their escape;<sup>12</sup> also a warrant was issued by the Judge for the arrest of Morris, Cook, Banks *et al*, on a charge of false imprisonment.

These writs were placed in the hands of Robert T. Burton and Theodore McKean. Henry W. Lawrence, long prominent in "Mormon" church and Utah affairs, was territorial marshal, but was absent from the territory, and the serving of the writs devolved, as matter of civil duty, upon Burton and McKean, his deputies. Robert T. Burton, a prominent member of the Church of the Latter-day Saints, and also of the territorial militia, "with great reluctance assumed the responsibility" of serving the writs and making

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11. *Deseret News* of June 18th, 1862.

12. These men are falsely said by Waite to be "Mormons" (*Mormon Prophet*, p. 124); whereas, in fact, they were dissenting Morrisites, and this whole affair up to this point was a matter between Morrisites and Morrisite dissenters. For the rest, it was a matter between the law-defying fanatics and the civil authorities. Even Stenhouse declares that when Brigham Young was asked to interfere in the matter, he declined. (*Rocky Mountain Saints*, p. 595). But Stenhouse says that the Morrisite dissenters "applied to the Mormon courts;" and that "the latter were pleased enough with the opportunity of dealing with the Morrisites." (*Ibid*). All which is untrue. The application was to the *United States court for the third district of Utah*, the judge of which was Chief Justice Kinney, appointed by the president of the United States. But this does not prevent Beadle from describing the incident as if it were a battle between "Brighamites" and "Morrisites;" and the sheriff's posse is always referred to as the "Brighamite posse." (*Life in Utah*, p. 417, *et passim*).

the arrests, "which he was bound to undertake by his oath and bond of office."<sup>13</sup>

#### ACTION OF GOVERNOR FRANK FULLER IN THE MORRIS AFFAIR

Acting governor of the territory, Frank Fuller, being advised that formidable resistance would be made to the serving of the writs called out several companies of the militia to aid the deputy sheriffs as a posse, one hundred and fifty being drawn from the Salt Lake county militia, and one hundred from the militia of Davis county.<sup>14</sup> Besides these a great many people of their own volition, under the excitement of the occasion, gathered in the vicinity of the expected conflict, and by anti-"Mormon" writers are accounted as and included in the forces of the sheriff.<sup>15</sup>

Arriving on the south heights that overlook the little valley in which Kington Fort is located, a written message addressed to Messrs. Morris, Banks, Cook, Parsons, and Klemgard, the parties for whom writs were held, was sent into the fort, reciting their former resistance to the officers and laws, announcing that other writs were now issued against them, and a sufficient force furnished by the executive of the territory to enforce the laws. They were therefore called upon to peacefully and quietly surrender themselves and the prisoners they were illegally holding to the processes of the law. An answer was required in thirty minutes after the receipt of the aforesaid notice; if answer was not then made they were warned that forcible measures would be taken to arrest the parties named in the writs. Should they disregard

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13. *Deseret News* of March 12th, 1879. This impression of the *News* contains the account of the trial of General Burton and his acquittal for the part he took in the Morrisite incident. Burton declares that he at first declined to serve the writs, whereupon the judge sent a second time to him and "somewhat insisted" upon Burton acting in the matter. (Record of Burton Trial, *Deseret News*, March 5th, 1879).

14. Burton explained in open court that he asked for the posse "thinking if an overwhelming force appeared the writs would be served and complied with without bloodshed." (Record of Burton Trial, *Deseret News*, March 5th, 1879).

15. Waite for instance, declares that the original force of the deputy sheriffs was so augmented on the way by these "volunteers" and additional arms "until they approached the settlement of the Morrisites with a force of about one thousand well armed men." (*Mormon Prophet*, p. 125).

this summons to surrender, and thus put their lives in jeopardy, they were urged to remove their women and children, and all persons peaceably disposed within the fort, were notified to leave, and informed that they could find protection with the *posse*.<sup>16</sup> In addition to this notice sent into the fort, a flag of truce carried by Major Egan and Wells Smith approached the fort anticipating that they would be met by a deputation from the Morrisites, but none came.

In the fort the question was discussed as to whether or not the summons of the *posse* should be complied with. Morris withdrew to his dwelling, and soon returned to his assembled following with a "revelation" forbidding them to yield to the demands of the *posse*, promising them deliverance and the destruction of their enemies, while "*not one of his faithful people should be destroyed.*"<sup>17</sup> The people of the fort assembled, the "revelation" was read, but before it could be discussed a cannon ball crashed into the fort killing two women and wounding a young girl. This produced the utmost confusion, until ex-Bishop Cook advised all to go to their homes and each man protect himself and family as best he could.

#### THE MORRISITE "BATTLE"

The *posse* had waited much longer than the half hour that was said would be allowed for compliance with the demand for surrender of prisoners before the first cannon shot was fired.<sup>18</sup> The first shot was fired by direction of Deputy Sheriff Burton and the gunners were ordered to so elevate their guns that the shot would pass over the fort. The same

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16. The document *in extenso* will be found in *Deseret News* of April 15th, 1863.

17. Statement of John G. Chambers, with Colonel Burton's *posse*, *History of Brigham Young, Ms.*, June, 1862, p. 574; also testimony of Thomas Abbott and of Robert T. Burton, Trial of Burton *Deseret News*, of March 5th, 1879.

18. The testimony at the Burton trial was somewhat conflicting on this point, but the evidence established that some two hours elapsed instead of the 30 minutes between receiving the call to surrender at the fort and the firing of these cannon shots. (See Record of Burton Trial, *Deseret News*, impressions of Feb. 26th, March 5th, and 12th, 1879).

order was given as to the second shot fired, but from the evidence in the case the ball struck short of the fort in a field, bounded into the fort with the result named.

After firing these shots Deputy Sheriff Burton deployed his men to more effectively close in upon the fort. While making this movement the *posse* was fired upon from the fort and one man killed. Firing on both sides continued through the day. The second day there was a continuous and heavy rain so that little was done. Towards the close of the third day a division of the *posse* took possession of a house near the fort, in doing which another man of the *posse* was killed. Shortly after this a man bearing a white flag came out of the fort; all firing ceased; upon inquiry being made by the bearer of the flag as to what was required, he was answered by Deputy Sheriff Burton that unconditional surrender was required, stacking of the arms, and the surrender of all the men bearing arms. The flagman with this information returned to the fort, and when it was observed that those within were stacking their arms, Burton, followed by twenty or thirty of the *posse* immediately at hand, some on foot and others (four) mounted, entered the fort. With his warrant in hand Deputy Sheriff Burton informed the excited people that the men for whom he held warrants, and all who had borne arms in the fight would be arrested. Some one asked that Morris be allowed to speak to the people, which request Burton granted with the proviso that he be brief and do not incite the people to further resistance. On this the "prophet" stepped forward, raised his arms excitedly, at the same time shouting, "*All who are for me and my God, in life or in death follow me!*" There were cries of "I," "I," and some "to arms," "to arms," and a rush was made for the arms. Burton called upon the maddened crowd to "halt," this, several times; the command not being obeyed he shouted "Stop them boys!" addressing his men, whereupon firing began, Burton himself firing at Morris. Morris



was instantly killed; Banks fell wounded; two women were killed by the firing to stop the rush to arms, a Mrs. Bowman and a Mrs. Swanee. This stopped the rush, and Burton ordered firing to cease.

One hundred and forty men were taken to the posse's camp—a number of others had escaped—the women and children of the fort were supplied with food. During the night Banks died.<sup>19</sup> The next day ninety-four of the prisoners were taken to Salt Lake City, the remainder having been released. The prisoners were brought before Judge Kinney who admitted them to bail, the prisoners being allowed to become sureties for each other.<sup>20</sup>

#### GENERAL BURTON'S TRIAL

General Burton after delivering his prisoners to the court was complimented by both Judge Kinney and Acting Governor Frank Fuller, for the able manner in which he had discharged his duty, and with so little loss of life.<sup>21</sup>

Yet years afterwards General Burton was arraigned before this same district court on a charge of "murder," being accused of killing a Mrs. Bowman, one of the women killed in stopping the rush of the Morrisites for their arms, as detailed in the text above. An indictment was found at the September term of the court, 1870; but the grand jury which framed it was declared illegal by the decision of the United States supreme court in the Englebrecht case, and therefore

19. Stenhouse in his mania for finding cases of "blood atonement" against the church, makes an infamous and utterly unwarranted insinuation respecting this Banks case: "That Elder John Banks was foully dealt with, there seems little room to doubt. He was wounded at the time of Morris' death, but not fatally. The manner of his 'taking off' only is obscure. In the evening he was well enough to sit up and enjoy his pipe. Suddenly he died. Was he poisoned, shot, or 'knifed,' is the only query. Those who could answer will not; the confidential statements of others are conflicting." (*Rocky Mountain Saints*, p. 600). Years afterwards Jeter Clinton was arrested on a trumped up charge for the alleged killing of Banks, this in July, 1879, but so flimsy was the evidence regarded that United States prosecuting attorney for Utah, Philip T. Van Zile, dismissed the case without allowing it to go to trial. (See *Court Record Third District*, Fall term of 1879).

20. See *Deseret News* of the 18th and 25th of June, 1862, for the account current of this affair. The *News* accounts it "the first armed resistance to the laws that has been made in the territory, and trusts that it will be the last."



the indictment was void. Another indictment was presented at the June term, 1876, and General Burton was arrested in August of that year and placed under \$20,000 bonds. His trial did not take place until February, 1879. The case was prosecuted by P. T. Van Zile, the United States attorney for Utah, and his deputy attorney, James H. Beatty; and defended by Judge Tilford and Judge Sutherland of Salt Lake City. After a trial which attracted wide attention at the time, General Burton was acquitted by a unanimous verdict of "not guilty" by a jury half "Mormon" half "Gentile."<sup>21</sup>

#### TRIAL OF THE MORRISITES

At the following March term of the third district court ninety-six of the accused were indicted by the grand jury for resisting the officer, and ten of them for the murder of Jared Smith—the member of the sheriff's *posse* who was killed on the first day's attempt upon the Morrisite fort. A long trial followed at which sixty of the accused appeared in court, the rest having left the territory. A fine of one hundred dollars was assessed against each of those tried for resistance to the *posse*—the lowest penalty allowed by the law. Seven of the ten indicted for murder were found guilty of that crime, in the second degree. Five of the number were sentenced to imprisonment for ten years each, one for twelve, and one for fifteen years.

The trial of the Morrisite prisoners took place in the month of March,<sup>22</sup> just when popular excitement in Salt Lake City and throughout the territory was at its height over the attempt of Governor Harding and associate justices Drake and Waite to revolutionize the character of the territorial government as already detailed in a preceding chapter. The demand for the resignation of these officials and their

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21. The full Court Record of the case will be found in *Deseret News* of the 26th of February, the 5th and 12th of March, 1879.

22. The record of these trials which occupied from the 19th to the 27th of March, 1863, will be found complete in the *Deseret News* of March 11th, 18th, 25th, and April 1st, 1863.

retirement from the territory had been made on the 5th of March; and doubtless in retaliation, and to annoy the "Mormon" people, three days after the conviction of the Morrisites found guilty of second degree murder, Governor Harding, without assigning any cause for this action, except in the general terms of "*divers good causes me thereto moving*," granted to each of them "full and perfect pardon" for the offense of which they stood convicted; "and each of them is hereby forever exonerated, discharged, and absolved from the punishment imposed upon them."<sup>23</sup> On the same day the governor also issued a pardon to the sixty-six offenders who had been fined in the Morrisite cases for armed resistance to the officers of the law, and discharged them from the "fine, costs, and charges imposed upon them."<sup>24</sup>

The grand jury of the third judicial district was in its annual session for the adjudication of causes arising under the laws of the United States, at the time Governor Harding granted this pardon to the Morrisites, having begun its session on the 30th of March. "In accordance with a common custom with grand juries after concluding their labors, if there exists anything in the district prominently offensive, to call attention of the court and the people to the fact, by solemn presentment, beg leave," said the grand jury, "to tender this statement, and ask that it be spread upon the records of the court." Then follows a scathing rebuke of the act of the governor in pardoning the Morrisite prisoners. It was an able review of the whole subject that the grand jury presented, leading to the conclusion that courts are of no avail "when their most solemn and deliberate judgments can be thus summarily ignored and set aside;" that Governor Harding was "an officer dangerous to the peace and prosperity of the territory;" and that "the crowning triumph of his inglorious

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<sup>23</sup> The pardon in full will be found in *Deseret News* of April 1st, 1863; it bears date of 31st of March, 1863. The prisoners were sentenced on the 27th of the same month.

<sup>24</sup> See *Deseret News* of April 8th, 1863, for this second document, also editorial on the subject.

career" was the turning loose upon the community a large number of convicted criminals.

The report of the grand jury in full is published in *Deseret News* of April 15th, 1863. Judge Kinney who had issued the warrants for the arrest of the Morrisite leaders, being on the bench at the time the grand jury made its presentment, added to the record of the court the following comments:

"*Gentlemen of the grand jury:* The paper just read by the clerk, is one of great responsibility, presenting the governor of this territory as unworthy the confidence and respect of the people. I trust you have fully considered the importance of the step which you as a grand jury have felt called upon, under the oaths of your office, to take. I am well persuaded that in no spirit of malice or undue prejudice have you been induced to call the attention of the court and the people to what you regard as the official misconduct of the executive, but only as the deliberate result of your investigations for the public good. \* \* \* The law and its authority were fully vindicated by the verdicts, but, as you state, the governor has granted an unconditional pardon. What effect this may have upon the minds of evil disposed persons, I know not, but leave the responsibility where it belongs, with the governor, who, in the exercise of a naked power, has seen proper to grant executive clemency. You have now, as you state, concluded your labors and before discharging you I desire to tender to you the commendations of the court for your attention and diligence in the discharge of your duties."<sup>25</sup>

#### POST KINGTON MOVEMENTS OF THE MORRISITES

After their pardon a few of the Morrisites who had the means to do so, left the territory; many had found friends and employment among the Latter-day Saints in the Utah settlements, after the collapse of their affairs at Kington Fort; in aid of which natural and desirable ending of the wholly regrettable episode, President Young sent out word among the bishops of the surrounding settlements, "to employ and feed any of them that were disposed to work;" and one of their leading spirits, John Parsons—the one who had read to the assembled Morrisites at Kington Fort the "revelation" of Morris forbidding surrender to the sheriff's posse—went

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25. *Deseret News* of 15th of April. The judge, also, since this was likely to be the last session of court he would hold in Utah, said a word on his experience as a judge in Utah, which will be found in *Note* end of this chapter.

among the scattered groups and read to them this epistle of President Young's to the bishops. He "told his fellow dupes that they had been grandly humbugged, and as for himself he was going to turn in and work, and he advised them all to do the same."<sup>26</sup> Others of these deluded people, representing the more fanatical and implacable element, found employment at Camp Douglas, where they were patronized by both army officers and the California volunteers—as also by the civil federal officers of the territory—as if they were a persecuted and a much abused people. When General Connor established a military post at Soda Springs, in May, 1863, he offered them free transportation under the protection of the marching detachments from Camp Douglas if they would go to the great bend of Bear river, in the vicinity of Soda Springs, and there found a settlement. In response to this invitation about eighty families of these people, numbering in all more than two hundred souls, moved to Soda Springs and founded a settlement. But very little came of this movement; after a time the followers of Morris began to scatter, and in a few years became absorbed in the general community of the Latter-day Saints.

#### CAMP DOUGLAS REPORTED A NUISANCE

The same grand jury which protested the action of Governor Harding in pardoning the convicted Morrisites also made a presentment against Camp Douglas as a "common nuisance" to a large section of the inhabitants of Salt Lake City, by befouling the waters of Red Butte Canon Creek, hitherto used by the said section of the city for irrigation, drinking, and culinary purposes. The number affected was about three thousand people. Part of the proclaimed military service encroached upon the city limits. By establishing its encampment and building its stables and corrals along the course of the aforesaid stream, or diverting its waters, as was done in some instances, to various parts of the encampment,

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26. *History of Brigham Young, Ms.*, entry for 24th of June, 1862, p. 594.



through corrals and thence back into the main stream, the water was materially lessened for needful irrigation, and so befouled as to render its use impossible for drinking and culinary purposes.<sup>27</sup>

#### A PROVOST GUARD FOR SALT LAKE CITY

A provost guard was established by General Connor in Salt Lake City, in July, 1864. This was doubtless in pursuance of the policy outlined in his military Order No. I, issued at Fort Churchill, soon after he took command of the military district of Utah and Nevada. "Having been," as he declares, "credibly informed that there were persons within this district who while claiming and receiving protection to life and property from the government, are endeavoring to destroy and defame the principles and institutions of it," he directed that all commanders of posts, camps and detachments, cause to be promptly arrested and closely confined all persons who should be guilty of uttering treasonable sentiments against the government, and confine them until they should have taken the oath of allegiance. For a second offense they were to be confined and reported to Connor's headquarters. "Traitors," said the closing sentence of the order, "shall not utter treasonable sentiments in this district with impunity, but must seek some more genial soil,

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27. For the presentment of the grand jury see *Deseret News* of April 15th, 1863. Nothing came of this action of the grand jury, and a year later, another grand jury addressed another presentment to the judge of the same district, then John Titus, chief justice. But with the same result. (See *History of Brigham Young, Ms.*, entry for April 9th, 1864, p. 245, *et seq.*). (Following the municipal law," says Stenhouse, the nuisance "should have been abated." "In the wrath of the moment," he continues, "Brigham Young ordered the mayor of Salt Lake City to 'move Connor and his men out of the city limits;' " but represents that A. O. Smoot, the mayor, so delayed action that by the time his preliminary arrangements were completed, the sober second thought came to President Young, and the costs being counted, the execution of the "order" was not insisted upon. (*Rocky Mountain Saints*, p. 609). In a footnote Stenhouse represents that the "above order" of Brigham Young's was a matter of conversation between General Connor and himself. And in his text he says: "The good sense of Abraham O. Smoot saved Mormonism." And then comments that if the order had been given and executed, "probably the garrison would have been 'wiped out,' many of the Mormons would have been killed, and in the course of a few months, volunteers would have poured into Utah from California, and there would have been a bloody settlement of that passionate speech." (*Ibid*). I find no authority in any of our annals for this incident, or elsewhere, outside of the statement of Stenhouse.

or receive the punishment they so richly merit."<sup>28</sup> One can but notice, however, that nearly two years had elapsed after the arrival of Connor's command, before the provost guard was established in Salt Lake City, and throughout that time Connor's Order No. I had been in force. There was no more occasion for establishing that provost guard in July than there had been in any month in the previous two years; and either General Connor had been guilty of gross neglect of duty in failing to establish it sooner, or he must be adjudged guilty of giving unnecessary offense to a people already sorely tried by ultra officiousness on the part of both military officers and civil federal appointees.

The manner of establishing the guard station was as provoking, as the presence of the post (Camp Douglas) itself was unnecessary and insulting. A house belonging to the church opposite the south gates of Temple Square was surreptitiously obtained for the headquarters of the guard. The house had been rented "in behalf of the church" by Bishop John Sharp to Captain Stover for a military storehouse; but soon afterwards Captain Stover was ordered to Camp Douglas with his stores, and General Connor established his provost guard headquarters there, over the protest of Captain Stover.<sup>29</sup> Captain Hempsted, editor of the *Union Vedette*,<sup>30</sup> a bitter

28. The order bears date of Aug. 6th, 1862, and is published in full in *Deseret News* of Aug. 20th, 1862.

29. See account of transaction in *History of Brigham Young, Ms.*, entries for July, 1864, pp. 537-8; and also pp. 547-8.

30. The *Union Vedette*—(*Vedette*, a sentinel on horseback stationed at some outpost, or on an elevation to watch an enemy and give notice of danger, *Century Dictionary*), was published by officers and enlisted men of the California and Nevada territory volunteers. Its first number appeared 30th November, 1863. It was first published as a weekly, but Jan. 5th, 1864, it was triumphantly changed to a daily, the first daily paper published in Utah. Its purpose, as declared in its Prospectus, was to afford a medium for the representation of "Gentile" as distinguished from "Mormon" opinion; and for combating "Mormon" misapprehension, and "misrepresentation." It was also intended to foster the mining development of the territory. While its circulation was chiefly confined to Camp Douglas, it also had quite a large circulation among Gentile merchants and dissenting or "apostate Mormons." In less than a year, July 4th, 1864—as a foil to the *Vedette* the *Daily Telegraph* was published of which Thos. B. H. Stenhouse was proprietor and editor in chief. Mr. Thos. G. Webber was its business manager, and John Jaques the associate editor. A semi-weekly edition was begun in October following the founding of the daily. These two papers occupied the same relative position as the *Valley Tan* and the *Mountaineer* of an earlier date.

anti-“Mormon” paper, published at Camp Floyd, was made provost marshal. The day previous to taking possession of the aforesaid storehouse—July 10th—as the headquarters of the provost guard, the *Vedette* had said:

*“As to the government, let it be distinctly understood that here or elsewhere, Uncle Sam will have what he wants—when he wants it—under all circumstances—from all people under the flag, and that, too, at his own estimate of what is a fair price!”*

And the seizure of this house looked very like the first step in the opening of that policy. There can be no doubt but that the utterance of the *Vedette* was the “law of war.” President Lincoln himself announces it so in his letter to the mass convention at Springfield, Ill., in September, 1864, defending his emancipation proclamation: “Is there, or has there ever been any question that *by the law of war* the property both of enemies and friends may be taken when needed?” Of course the answer is obvious; but that is *the law of war; in force when war is actually in progress*, and there was no war existing in Utah to justify the *Vedette* utterance.

As if to make the military action more insulting and irritating to the Latter-day Saints, a company of cavalry, part of the provost guard, took possession of the aforesaid house as their headquarters about two o’clock on the afternoon of Sunday, at the time that crowds of people were entering the tabernacle for worship.<sup>31</sup>

The citizens of Salt Lake City petitioned both Governor Doty and the mayor and city council “to adopt such *peaceful measures* as shall remove the said body of cavalry (numbering 76) out of the inhabited portions of the city, leaving its inhabitants to pursue uninterruptedly their peaceful, lawful, industrial vocations.” These petitions represented the action of Connor in this matter as “an outrage upon the feelings of the citizens;” and that “to submit to such an outrage without protest” would be to degrade them-

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31. Letter of George A. Smith to Joseph F. Smith, copied into *History of Brigham Young, Ms.*, July, 1864, pp. 553-4.

selves "in the eyes of all freemen."<sup>32</sup> There were no "peaceable measures," however, by which the provost guard could be removed from the city, so it continued at its station for some time, only to demonstrate its uselessness by the few cases that came before it; and these but such as were provoked by the existence of the station, rowdy boys and a few drunken men being the offenders, who, in a spirit of mere bravado, would yell as they passed it, "Hurrah for Jeff Davis!" or some such manifestation of braggadocio. No serious cases came before the provost marshal.

#### ANTI-UNION SENTIMENT CHANGED

The creation of the guard station is said by Stenhouse to have resulted from the "*Deseret News*, the church organ," being intensely "copperhead," and chronicling the reverses of the Union arms with undisguised pleasure; and that "by way of correction General Connor established a provost guard in the city."<sup>33</sup> In a footnote he associates with this statement a further one to the effect that some leading men represented to Brigham Young that the course of the *News* would provoke difficulty with the troops—"and it is true," he adds, "that at one time they seriously entertained the idea of 'gutting out' the printing office—whereupon President Young published 'a card' disclaiming 'personal responsibility for anything in that paper but what carried his own signature;'" and Stenhouse further adds, that the "necessary sacrifice" of somebody for this anti-Union tone of the *Deseret News* led to the "dismissal" of the editor, Hon. Elias Smith.<sup>34</sup> The immediate cause of the "dismissal" was the admission of a communication from Camp Douglas advocating the election of John G. Downey, "copperhead" candidate for governor of California.

Stenhouse is very much confused here in his *data*. In the

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32. The petitions to the governor and to the mayor and city council will be found in *History of Brigham Young, Ms.*, July entries, 1864, pp. 547-505.

33. *Rocky Mountain Saints*, p. 610.

34. *Ibid.*



first place the change in editors of the *Deseret News* occurred nearly a year before the provost guard was established. Elias Smith's editorship of the *News* stopped with the impression of the 23rd of September, 1863, when Albert Carrington succeeded him with Stenhouse—who some years before had held a position on the staff of the *New York Herald*—as associate. Both Smith's valedictory and Carrington's salutation appear in that number.<sup>35</sup>

Relative to the disclaimer of responsibility by Brigham Young for the utterances of the *Deseret News* except for such articles as were signed by himself, that paper carried a standing notice to that effect through part of the year 1863,—from January 28th to June 17th, missing but two or three numbers—but no such disclaimer was carried after the latter date, the idea of no responsibility, except for signed articles, having been, by that time, established by the long standing notice. Neither the change of editors for the *News*, nor the "card" of disclaimer by Brigham Young could have any connection with the establishment of the provost guard, in July, 1864, since they were events that happened nearly a year before.

As to that provost guard being founded by way of correcting the "copperhead intensity" of the *News*, a careful examination of the editorial tone for several months preceding the founding of the provost guard, discloses no such "intensity," or even tendency in the *News* editorials.

In the summer of 1864 the *News* was publishing the war reports in a decidedly pro-Union coloring, especially as

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35. The alleged offending communication from Camp Douglas admitted into the editorial columns of the *News*, advocating the election of John G. Downey, the "copperhead" candidate for governor of California, appears in the *News* impression of August 26th, 1863. The appearance of this article in the *News* was unfortunate for the reason that the laws of California permitted her volunteer troops, though absent from the state, to vote for state officers, hence the California volunteers at Camp Douglas would be concerned in the election, and in any utterance affecting it. Elias Smith had been connected with the *News* from 1851; and from 9th of March, 1859, to 16th of September, 1863, he had been editor in chief, and he avows responsibility for the editorial matter by whomsoever written. "Some articles," he remarks, "may have been inserted which were not previously duly scanned, but by whomsoever written, no avoidance is pleaded." (*Deseret News*, of Sept. 23rd, 1863. Mr. Stenhouse rightly declares that "a more prudent, honorable gentleman than Judge Smith was not in 'Mormondom.'" *Rocky Mountain Saints*, p. 610).

to the Virginia campaign of Grant's army; and the editorials had taken on a pro-Union tone.<sup>36</sup> Evidently it was not to correct "copperhead" tendencies in the *Deseret News* editorials that the provost guard was established in Salt Lake City. It was, judged from all the circumstances, merely a wanton display of military power, that gratified the restless war spirit of the general commanding the California volunteers, who felt power and recked not of consequences.

The founding of the provost guard caused considerable excitement in Salt Lake City. It was thought to be the prelude to the establishment of martial law in the city, on some pretext or other; or the seizure of the public stores—this in view of the announcement in the *Union Vedette* that "*Uncle Sam will have what he wants \* \* \* and that, too, at his own estimate of what is a fair price.*" President Young was at Provo at the time of this action, word of its occurrence reached him about midnight of Sunday, and the next day he returned to the city accompanied by about two hundred mounted men as a guard, under command of David Evans, for there were those who supposed that the founding of the provost guard in Salt Lake City meant, perhaps, another attempt to arrest President Young by a military force. By the time the city was reached rumor magnified the president's escort of two hundred to five hundred, and later to five thousand. They were quartered in the titling stores and other

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36. This is apparent from the fact that in addition to the general press dispatches published in the *News*, decidedly pro-Union in their spirit, the *News* also published on the 8th of June the war reports from the "Wilderness Battlefields," by the *New York Tribune's* special correspondent,—covering an entire page of that impression of the paper—and a sympathetic editorial upon it. And on the same date the following Editorial appeared under the caption—"Richmond to be Taken;" "Great preparations are on foot in the eastern states to honor the taking of the confederate capital. General Grant is not advancing quite so fast as to suit the anxiety, but he is reported to have expressed the satisfaction with the occurrence of that event on the 4th of July *proximo*—the nation's birthday. Vicksburg, capitulated to him on the last 'Fourth,' and Richmond to do so on the 'Fourth' coming would hoist him to the highest pinnacle of fame. Add to these, the capitulation of Charleston on the 'Fourth' of next year, with it the end of the war, and the nation will *grant* him anything that he pleases to ask for, and he will have a right to ask it. He is in earnest, and has a better show for finishing this terrible struggle than any and all the generals who have preceded him. He seems to have his own way—and that is something." (*Deseret News*, vol. xiii, p. 288).

buildings then occupying the block immediately east of the Temple Square, where by the time of their arrival a considerable force from various parts of the city and from settlements on the north of it had gathered in to protect the rights of the citizens. Finding that there was no peaceful means by which the provost guard could be removed, except by an appeal to the secretary of war, Edwin M. Stanton,—which it was thought useless to make—the south entrance to the Temple Square was walled up with adobies, and the east and west gates were opened for entrance to the square and to the tabernacle. Soon after this the flurry of excitement subsided.<sup>37</sup>

## NOTE

## JUDGE KINNEY'S EXPERIENCE AS A JUDGE IN UTAH: A VINDICATION OF THE LATTER-DAY SAINTS

"It is possible, and highly probable, that this is the last court over which I shall have the honor to preside in your territory. Such are the indications. I have been the chief justice of the supreme court of Utah, and judge of this district most of the time since 1854—having come among you a stranger, but I was treated with kindness, and my authority with consideration and respect.

Appointed by Mr. Pierce in 1853, and reappointed in 1860 by Mr. Buchanan, and continued in office by Mr. Lincoln, and having held many courts, tried many cases, both civil and criminal, of an important character, I am happy in being able to state that I have found no difficulty in Utah in administering the law, except where its administration has been thwarted by executive interference.

Let honesty, impartiality and ability be the characteristic qualifications of the judge, and a fearless discharge of duty, and he will be as much respected in this territory, and his decisions as much honored, as in any state or territory in the Union. And to use an odious distinction, attempted to be made between 'Mormons' and 'Gentiles,' I am also happy in being able to state, that while these parties differing so widely as they do in their religious faith, have been suitors in my court, the so-called Gentile has obtained justice from the verdict of a so-called Mormon jury.

I repeat, gentlemen, that the law is, and can be maintained in this territory, and that there is more vigilance here in arresting and bringing criminals to trial and punishment, than in any country wherever I have resided.

In the discharge of my judicial duties I have endeavored to be actu-

37. See letter of Brigham Young to Daniel H. Wells—then in England—under date of July 16th, 1864, *History of Brigham Young, Ms.*, entry for July, pp. 557-560; also letter of George A. Smith to Joseph F. Smith, *Ibid*, pp. 553-4; also entries under date of 10th, 11th and 12th of July, pp. 537-540.

ated by a sense of the responsibility of my position; ever keeping constantly in mind that I was among a civilized and enlightened people, who were entitled to the same consideration from the court, as the people of any other territory; and that the court here as elsewhere, should be free from bias and prejudice.”<sup>38</sup>

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38. *Deseret News* of April 15th, 1863.



## CHAPTER CXXIV

### DEVELOPMENT OF MINES IN UTAH—CLOSE OF THE CIVIL WAR PERIOD—INFLUENCE OF THE DEATH OF LINCOLN IN UTAH

ALMOST from the time of his advent into the territory, General Connor was convinced that there were extensive deposits of the precious minerals in Utah. That conviction found confirmation in the following manner: A man of the name of Ogilvie while logging in Bingham canon found a piece of ore which he sent to General Connor who had it assayed, and found that it contained the precious metals, gold and silver.<sup>1</sup> A few days later a kind of pleasure or picnic party was organized composed of the officers of Camp Douglas and their wives, and a drive made to Bingham canon. While encamped here one of the ladies of the party found a piece of ore on the mountain side, the soldiers of the party prospected for the vein, found it, and staked off a mining claim.<sup>2</sup> These two stories if blended no doubt mark the beginning of the history of mining for precious metals in Utah. Ogilvie and parties from Camp Douglas united in working the first gold and silver mining prospect in Utah, called "The Jordan," this in September, 1863.

#### DISCOVERY OF PRECIOUS METAL ORES IN UTAH

A few days after the Bingham picnic incident General

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1. Tullidge's *Western Galaxy*, March, 1888, article, Mines of the West, I. Utah Mines.

2. This story is by Stenhouse, who, ignoring or else not knowing the part Ogilvie took in the matter, gives the following account of the initial step of mining history in Utah: "A portion of the horses of the California volunteers had been sent to Bingham canon to graze, and with them a company of men as a guard. A picnic party of officers and their wives from Camp Douglas was improvised, and Bingham was selected, as the troops were there. During the rambles of the party on the mountain sides, this lady, who had a previous acquaintance with minerals in California, picked up a loose piece of ore. The volunteers immediately prospected for the vein and found it, stuck a stake in the ground, made their location, and from that hour Utah has been known to the world as a rich mining country." (*Rocky Mountain Saints*, p. 713). Bancroft says that Captain Heitz and a party from Camp Douglas—doubtless Stenhouse's picnic party—made the discovery of the argentiferous ore in Bingham, in 1863. (*History of Utah*, p. 741).

Connor held a miners' meeting at Gardner's mill, on the Jordan, where the "mining laws" or rules drawn up by the general were adopted, and "Bishop Gardner elected recorder."<sup>3</sup> A mining district was organized and called the "West Mountain Mining District," usually, though quite erroneously called the first mining district of Utah, but which in reality had been preceded by the Lincoln District, organized in 1861, in Beaver county.<sup>4</sup> Later General Connor personally found silver bearing rock at the head of Little Cottonwood canon, which was the first known discovery of the precious metal in the great Wasatch range.<sup>5</sup>

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3. Tullidge's *Western Galaxy* for March, 1888, p. 1.

4. While Tullidge puts the organization of the West Mountain Mining District as occurring "a day or two after" the Bingham canon picnic incident, (*Western Galaxy*, p. 1), Bancroft says that the district was organized in December, 1863, (*History of Utah*, p. 741). Mr. A. S. Kenner, author of *Utah As It Is* (1904), holds that there was a mining district organized in Utah at an earlier date than this. "As far back as 1858," he writes: "It became known that there were great veins and deposits of lead near the young town of Minersville, in Beaver county. \* \* \* It was deemed advisable to work them to some extent for the purpose of keeping the settlers in that and some other parts of the territory supplied with bullets," etc. Work was begun on a fissure vein, that became known as the "Rollins Lead Mine"; and as work proceeded the "lead" grew harder, which experience taught those who worked the mine could come but from one circumstance—the presence of silver with the lead. There were no available means at hand for separating the metals, however, and the work was not prosecuted to any great extent. Not only was the extraction of ores from the Old Rollins Lead Mine, as it was called, in 1858, the first mining done in Utah by civilized agencies, but the region of country in which it is situated became the first organized mining district in the territory; this was accomplished in 1861, the name "Lincoln" being given it, which name was also subsequently given to the old lead mine. It and the adjoining properties have since been worked systematically and thoroughly by capitalized companies representing other parts of the Union as well as Utah, and in the districts other locations have been made in later years until now (1904), there are fully 100 recorded claims. (*Utah As It Is*, p. 323; also Bancroft's *Utah*, p. 746, note 75, where the "Old Rollins Mine" is referred to as the first silver mine in Utah).

5. Bancroft's *History of Utah*, p. 742. "The first shipment of ore from Utah was a carload of copper ore from Bingham canon, hauled to Uintah on the Union Pacific, and forwarded by the Walker Brothers to Baltimore, in June, 1868. In 1864 free gold was discovered in this district by a party of Californians returning from Montana to pass the winter in Salt Lake City. Between 1865 and 1872 the production of gold was estimated at \$1,000,000, and up to 1882 the total product was 500,000 tons of ore and 100,000 of bullion, from which was extracted \$1,500,000 in gold, \$3,800,000 in silver, and \$5,000,000 in lead." The output of the precious metals in Utah for 1913 was, gold, \$3,581,900; silver, \$8,109,450. "Mining of true gold ores on a large scale is on the decline in Utah. In gold yield a steady decrease is noted, due largely to the closing of the Mercur gold mines. This loss has been partly made up, however, by the increase in gold from the copper ores;" [of which copper there was produced in 1913 to the value of \$24,884,860]. (Report of V. C. Heikes, *United States Geological Survey*, 1913).

MINING INDUSTRY DEVELOPMENT—WITH ANTI-“MORMON”  
APPENDIX

Naturally General Connor was enthusiastic over the confirmation which these discoveries gave of his conviction of the existence of precious metals in the mountains of Utah, and he hastened to make proclamation of the news to the world, at the same time inviting prospectors and miners to come to Utah to aid in the development of her mineral resources, and gave such orders to the volunteer troops in his military district as would allow them large opportunities for prospecting.<sup>6</sup> Incidentally also (or was it his main purpose?) General Connor made this proposed mining development in Utah contribute to what he evidently regarded as his mission in the territory—*viz.*, the subversion of the “Mormon” church authority “in temporal and civil affairs.” Writing to Lieutenant Colonel R. C. Drum, Assistant Adjutant General, United States of America, San Francisco, under date of July 21st, 1864, General Connor said:

“Having had occasion recently to communicate with you by telegraph on the subject of the difficulties which have considerably excited the Mormon community for the past ten days, it is perhaps proper that I should report more fully by letter relative to the real causes which have rendered collision possible.

As set forth in former communications, my policy in this territory has been to invite hither a large Gentile and loyal population, sufficient by peaceful means and through the ballot box to overwhelm the Mormons by mere force of numbers, and thus wrest from the church—disloyal and traitorous to the core—the absolute and tyrannical control of temporal and civil affairs, or at least a population numerous enough to put a check on the Mormon authorities, and give countenance to those who are striving to loosen the bonds with which they have been so

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6. This in the very first number of the *Union Vedette*: “The general commanding the district has the strongest evidence that the mountains and canons in the territory of Utah abound in rich veins of gold, silver, copper and other minerals, and for the purpose of opening up the country to a new, hardy, and industrious population, deems it important that prospecting for minerals should not only be untrammelled and unrestricted, but fostered by every proper means. \* \* \* The general also directs that every proper facility be extended to miners and others in developing the country; and that soldiers of the several posts be allowed to prospect for mines, when such course shall not interfere with the due and proper performance of their military duties. Commanders of posts, companies and detachments within the district are enjoined to execute to the fullest extent the spirit and letter of this circular communication.”

long oppressed. With this view I have bent every energy and means of which I was possessed, both personal and official, towards the discovery and development of the mining resources of the territory, using without stint the soldiers of my command, whenever and wherever it could be done without detriment to the public service."<sup>7</sup>

Assuming that there would be opposition by the "Mormon" church leaders to this program of mining for the precious metals, General Connor also thought it necessary to offer "*protection*" to prospectors and to "*warn*" those whom he suspected would make opposition to the opening of the mines, not to use violence; and threatened to try as public enemies those who attempted the use of violence in this matter, and to punish them to the utmost extent of martial law.<sup>8</sup> In this the general went beyond all that was in any way necessary, and assumed the tone and attitude of a military despot, seeking to supplant the civil by the military authority. His whole bearing at this time was one of extreme arrogance, and more likely to provoke than allay the opposition he anticipated.

#### OPPOSITION OF BRIGHAM YOUNG TO THE MINING INDUSTRY

As already shown in earlier chapters of this *History*, Brigham Young was opposed to his people rushing to the gold mines of California in 1849, and also in the early years of the decade following. He held that such a course was foreign to their mission, since they had settled in the Great Basin to found a city and a commonwealth to which their co-religionists scattered in all the world, might be gathered and "become a great and a mighty people in the midst of the

7. Connor's Report to Colonel Drum will be found complete in *History of Salt Lake City*, Tullidge, pp. 328-330.

8. "The mines are thrown open to the hardy and industrious, and it is announced, that they will receive the amplest *protection* in life, property and rights, against aggression from whatsoever source Indian or white. \* \* \* In giving assurance of entire *protection* to all who may come hither to prospect for mines, the undersigned wishes at this time most earnestly, and yet firmly, to *warn all*, whether permanent residents or not of this territory, that should *violence* be offered, or attempted to be offered to miners, in the pursuit of their lawful occupation, the offender or offenders, one or many, *will be tried as public enemies, and punished to the utmost extent of martial law.*" (Circular issued from Camp Douglas, date of March 1st, 1864, a copy will be found in Tullidge's *History of Salt Lake City*, p. 327).



Rocky Mountains," in fulfillment of the prediction of their first prophet.<sup>9</sup> President Young was equally and consistently opposed to any policy that would likely result in the Latter-day Saints being overwhelmed by incoming hordes of adventurers and semi-desperadoes of the surrounding western states and territories, attracted by the supposed opportunities for the sudden acquirement of wealth, which the opening of mines of the precious metals would give. And hence whenever reference was made to the existence of the precious metals in the mountains surrounding Salt Lake City—and such reference was common before the Connor days—Brigham Young discouraged the consideration of the subject, pointed out to his people the danger to them as a community that lurked in the opening of the mines at that time; and urged the postponement of such enterprises until a later day, when such dangers as then existed would not menace their community life; to a day when the Latter-day Saints would be sufficiently strong, numerically—notwithstanding the presence of a large non-"Mormon" population following mining or other pursuits—to give the dominant moral and spiritual tone to the community life that would result from and be characteristic of that high purpose that had brought them in the first instance to the Great Basin of the Rocky Mountains. Brigham Young had seen wave after wave of the gold seekers of "'49" and the early "'50's" pass over the mountains and valleys occupied by his people, and they had survived as a community by accepting his counsel "not to follow after them." He had seen the evil effects of contact with the military command of Colonel Steptoe in 1855-6; and the more serious contact of his people with the army of the "Utah Expedition," and the demoralizing effect of the Camp Floyd period; is it any wonder that he and his associates in church leadership were opposed in the early "'60's" to the incoming of an adventurous, reckless, not to say lawless, mining popu-

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9. See this *History*, chapter li.

lation, such as then occupied the mining camps of the western states and territories? And yet, for all that, there was no justification for supposing that there would be any resort to violence on the part of the "Mormon" church leaders to prevent prospecting for the precious metals or the opening of mines; and General Connor acted unworthy of himself and of his office by assuming the attitude of a petty military despot in the issuance of his circulars on prospecting and mining development in Utah.

At the very time that the first Connor excitement about opening the mines was at its height—September and October, 1863—Brigham Young said:

"If the Lord permits gold mines to be opened here he will overrule it for the good of his saints and the building up of his kingdom. We have a great many friends who are out of this church—who have not embraced the gospel. \* \* \* We have a great many friends, and if the Lord suffers gold to be discovered here, I shall be satisfied that it is for the purpose of embellishing and adorning this temple which we contemplate building, and we may use some of it as a circulating medium."<sup>10</sup>

And the harshest thing Brigham Young ever said of the Connor mining program was a criticism upon the injustice of the government furnishing the supplies for men engaged in prospecting for mines for their own personal advantage, and at the same time giving to the whole proceeding an anti-"Mormon" bias. This criticism appears in the discourse before quoted.<sup>11</sup> Apart from this, the opposition to General

10. Discourse at conference in Salt Lake City, Oct. 9th, 1863, *Journal of Discourses*, vol. x, p. 253. Reference to the temple is of course to the temple in Salt Lake City.

11. "I now wish to present a few questions to the congregation, for I think there is no harm in asking questions to elicit information. Do the government officials in Utah, civil and military, give aid and comfort to and foster persons whose design is to interrupt and disturb the peace of this people? and are they protected and encouraged in this ruinous design by the strong arm of military power, to do what they will, if they will only annoy and try to break up the 'Mormon' community? Does the general government, or does it not, sustain this wicked plan? Is there in existence a corruption-fund, out of which government jobbers live and pay their traveling expenses while they are engaged in trying to get men and women to apostatize from the truth, to swell their ranks for damnation? Is this so, or is it not so? Those who understand the political trickeries and the political windings of the nation, can see at once that these are political questions. Who feeds and clothes and defrays the expenses of hundreds of men who are engaged patrolling the mountains and canons

Connor's mining program was confined to puncturing some of the wildly inflated reports respecting the existence of gold in great abundance in Utah; calling attention to the high cost of living, owing to the scarcity of staple necessities of life in proportion to the population; and the great expense attending upon mining in Utah.<sup>12</sup> President Young also urged the members of the church to remain true to the call of common-sense duty, that of building homes, making farms, planting orchards, establishing home manufacture, developing coal and iron mines—proceeding, in a word, along these more certain and substantial lines of founding a commonwealth, as was becoming in a people laying the foundation for a gathering place for tens of thousands of their coreligionists from every nation of the world. This course was represented as being better for Latter-day Saints than joining in the mad rush for the finding of the precious metals and for the questionable good of suddenly acquired riches.

There was evidently great need of holding a steady hand

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all around us in search of gold? Who finds supplies for those who are sent here to protect the two great interests—the mail and telegraph lines across the continent—while they are employed ranging over these mountains in search of gold? And who has paid for the great number of picks, shovels, spades and other mining tools that they have brought with them? Were they really sent here to protect the mail and telegraph lines, or to discover, if possible, rich diggings in our immediate vicinity, with a view to flood the country with just such a population as they desire, to destroy, if possible, the identity of the 'Mormon' community, and every truth and virtue that remains? Who is it that calls us apostates from our government, deserters, traitors, rebels, secessionists? And who have expressed themselves as being unwilling that the 'Mormons' should have in their possession a little powder and lead? \* \* \* Who have said that 'Mormons' should not be permitted to hold in their possession firearms and ammunition? Did a government officer say this, one who was sent here to watch over and protect the interests of the community, without meddling or interfering with the domestic affairs of the people?" (*Journal of Discourses*, vol. x, pp. 254-5. Discourse was delivered Oct. 9th, 1863).

12. See *Deseret News* editorial of March 2nd, 1864. Relative to the great expense in mining it may be said that blasting powder during the summer of 1864 was \$25.00 per keg; twenty-four years later it cost less than one-sixth of that price. The first systematic work done in the Jordan Mine was by commencing a tunnel at a cost of sixty dollars per foot, which twenty-four years later could be done for ten dollars per foot. (See *Western Galaxy*, *The Mines of the West*, p. 1). At the Boise mines in the summer of 1863, flour was reported to be worth "\$40 per hundred weight; salt, \$35 and \$40 per hundred weight; onions, \$60 per hundred weight; butter, \$1 per lb.; beans, \$35 per hundred weight; bacon, \$60 per hundred weight, and everything else in proportion." (See Boise correspondent of *Deseret News*, impression of Sept. 23rd, 1863). Prices did not range that high in Utah, but the above affords some index to what would be the cost of living in the mining districts of the west in those early days of the mining industry.

over the members of the church in respect of rushing into mining for the precious metals. President Young in a tabernacle sermon thus describes the effect Connor's first announcement had on some members of the "Mormon" community:

"It is a fearful deception which all the world labors under, and many of this people, too, who profess to be not of the world, that gold is wealth. On the bare report that gold was discovered over in these west mountains, men left their thrashing machines, and their horses at large to eat up and trample down and destroy the precious bounties of the earth. They at once sacrificed all at the glittering shrine of the popular idol, declaring they were now going to be rich, and would raise wheat no more. Should this feeling become universal on the discovery of gold mines in our immediate vicinity, nakedness, starvation, utter destitution and annihilation would be the inevitable lot of this people. Instead of its bringing to us wealth and independence, it would weld upon our necks chains of slavery."

And then alluding to the more substantial process of commonwealth founding, he said:

"Can you not see that gold and silver rank among the things that we are the least in want of? We want an abundance of wheat and fine flour, of wine and oil, and of every choice fruit that will grow in our climate; we want silk, wool, cotton, flax and other textile substances of which cloth can be made; we want vegetables of various kinds to suit our constitutions and tastes, and the products of flocks and herds; we want the coal and the iron that are concealed in these ancient mountains, the lumber from our sawmills, and the rock from our quarries; these are some of the great staples to which kingdoms owe their existence, continuance, wealth, magnificence, splendor, glory and power; in which gold and silver serve as mere tinsel to give the finishing touch to all this greatness. The colossal wealth of the world is founded upon and sustained by the common staples of life."<sup>13</sup>

It was not difficult, of course, for General Connor to induce many of his California friends to join him in his mining schemes in Utah. He erected the first smelting furnace in the territory at Stockton, Tooele county, 1864; this was soon followed by a number of other furnaces of various kinds.

"But the treatment of ores by smelting was a task new to these Californians, and their experience in milling the gold ores of their state was of no service to them in the task. This disadvantage was increased by the fact that charcoal was not abundant, that rates of transportation

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13. Discourse of 25th Oct., 1863, in *Deseret News* of Nov. 18th, 1863.



were excessively high, and both the materials of which the furnaces were built, and those used in the daily operations were very dear. The Californians, unused to the work failed entirely. A good deal of money was spent with no result, excepting the establishment of the fact that the ores were easy to treat. During this time of trial the usual history of new mining fields was repeated, and companies which were organized with high hopes spent large sums and became bankrupt. \* \* \* With the failure to work the mines profitably came the disbanding of the volunteer troops in the latter part of 1865-66."<sup>14</sup>

Happily for the views of the "Mormon" church leaders and for the interests of the Latter-day Saints, the mining industry developed gradually, and the discovery of gold was so meager—found chiefly in connection with the less precious but more abundant silver ores—that there was no mad rush of miners to overwhelm numerically the Latter-day Saints in Utah or disturb them in the steady march of their substantial—though slow—progress in empire-founding for a highly religious purpose—the assembling of their coreligionists of all nations—the gathering of a modern Israel to whom God would reveal a fullness of his truth, and through whom he would especially manifest his power to the world.

#### TRANSFORMATION IN THE ATTITUDE OF GENERAL CONNOR

An identification with the material interests of the territory, perhaps, also, a closer association with the business men of the "Mormon" church, seems finally to have lessened somewhat the former intense bitterness of General Connor towards the "Mormon" church leaders; and those who quote some passages of the general's reports and circulars in the first two years of his residence in Utah, as showing his distrust of the "Mormon" church—"disloyal and traitorous to the core," as he declared it at one time to be; and of the church leaders, whom he proclaimed to be tyrants, spiritual and temporal—will need to consider them in the light of his more conservative attitude in the later years of his residence in Utah.<sup>15</sup> There

14. *Western Galaxy*, Mines of the West, March, 1888, p. 2.

15. We shall see later on that the provost marshal of Salt Lake City in the summer of 1864, Captain Chas. H. Hempstead, "was Brigham Young's counselor and advocate in 1872; and that General Connor offered to go bail for Brigham Young in the sum of \$100,000 when he was on trial (1870) in the court of Chief Justice, James B. McKean." (*History of Salt Lake City*, Tullidge, p. 330.)

are good reasons for believing that this man of restless energy, and of such intense loyalty to his country that he could not tolerate a merely passive loyalty, to say nothing of indifference to, or opposition, even in sentiment, to the United States government in its struggle for existence—this soldier, both by instinct and training, in the early months of 1865, underwent, later, a radical change in his attitude towards the “Mormon” church leaders and people.

#### THE SECOND INAUGURATION OF ABRAHAM LINCOLN—REJOICING IN UTAH

The war between the states was now (1865) rapidly drawing to a close, everyone was now conscious of that; Lincoln had been triumphantly elected a second time; his “three word policy” towards the “Mormons”—“*Let them alone*”<sup>16</sup>—made it clearly manifest that he was not their enemy; and it was mutually resolved upon both by “Gentile” camp and “Mormon” city to celebrate conjointly the forthcoming inauguration of the Great Emancipator, *and the recent victories of the Union forces.*<sup>17</sup>

Accordingly in the last days of February leading citizens

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16. That such was the policy Lincoln intended to follow—in addition to the evidence before cited—(see this *History*, chapter cxxii)—is evidence from an assurance that he gave to Thos. B. H. Stenhouse, to that effect, mentioned by Brigham Young in a letter to George Q. Cannon, under date of June 25th, 1863: “Since Harding’s departure on the 11th inst., (June) without the least demonstration from any party, and only one individual to bid him good-bye, the transient persons here continue very quiet, and apparently without hope of being able to create any disturbance during the present administration. They certainly will be unable to, if President Lincoln stands by his statement made to Brother Stenhouse on the 6th instant—*viz*, ‘I will let them alone if they will let me alone.’ We have ever been anxious to let them alone, further than preaching to them the gospel and doing them good when they would permit us; and if they will cease interfering with us unjustly and unlawfully, as the president has promised, why of course, they will have no pretext nor chance for collision during his rule.” (*Millennial Star*, vol. xxv, p. 508).

17. That such was the dual nature of the celebration may be gathered from the resolution adopted by the city council on the 2nd of March: “Whereas, Saturday, the 4th instant, being the day of inauguration of the president of the United States; and, whereas, also, by reason of the many recent victories of the armies of our country; therefore be it Resolved by the city council \* \* \* that we cheerfully join in the public celebration and rejoicings of that day throughout the United States, and we cordially invite the citizens and organizations, military and civil, of the territory, county and city, to unite on that occasion, etc.

(Signed) “A. O. Smoot,  
Mayor.”

of Salt Lake and officers of Camp Douglas met and made the necessary arrangements for a conjoint celebration of the event. There was a procession "a mile long" through the principal streets of the city, made up of military and civil officers in carriages and mounted; California volunteers and "Mormon" militia companies of infantry; and citizens on foot and in carriages. Hon. John Titus, chief justice of the territory, was the orator of the day, and Hon. W. H. Hooper made the closing address. A. O. Smoot, "Mormon" mayor of Salt Lake City, and George A. Smith, of the council of the twelve apostles, met on the platform General Connor and Governor Doty. Rev. Norman McLeod, from Camp Douglas, was chaplain of the day. The platform was erected in front of the old city market on First South street; the divisions of the procession were assembled chiefly in front of the platform; the audience gathered "around, and on all sides, completely filling the streets, covering the roofs and hanging out of the windows;" it was "a dense mass of humanity, silent and attentive to the proceedings."<sup>18</sup> Later in the day a banquet was given at the city hall by the city council to officers from Camp Douglas, Mayor Smoot presiding. The mayor opened the banquet by proposing "the health of President Lincoln, and success to the Union armies." Captain Hempstead responded in a patriotic speech, and proposed the health of the mayor and civil authorities of Salt Lake City. There were other patriotic toasts and responses, and fireworks in the evening. "The day closed," said the *Union Vedette's* enthusiastic and full report of the proceedings, "after a general and patriotic jubilee, rarely, if ever before, seen in Utah." "General Connor," reported Stenhouse, of the *Utah Telegraph*, "was greatly moved at the sight of the tradesmen and working people who paraded through the streets, and who cheered most heartily and no doubt honestly—the patriotic, loyal sentiments that were uttered by the speakers. He

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18. *Union Vedette* of that period.

wanted differences forgotten, and, with gentlemanly frankness, approached the author with extended hand and expressed the joy he felt in witnessing the loyalty of the masses of the people."<sup>19</sup> He also proposed the discontinuance of the *Union Vedette*, the anti-"Mormon" paper which had waged fierce war upon the "Mormon" church and its leaders, thinking that the changing conditions in Utah required its abolishment.<sup>20</sup>

#### THE NATION'S AND UTAH'S DAY OF SORROW—THE ASSASSINATION OF LINCOLN

This celebration of the second inauguration of Abraham Lincoln was the day of rejoicing in Utah, and throughout the United States. In a little more than one month and a half, came the day of mourning in the United States and in Utah—when the assassination of President Lincoln occurred. And as sorrow unites more closely than joy, the hitherto conflicting elements in Utah were drawn into closer union and sympathy than by the celebration of his second inauguration—*viz*, by the observance of the great president's obsequies, on the 19th day of April, the day fixed upon by congress for such observance throughout the United States. There was the same coming together of "Mormon" and non-"Mormon"; of military officers and city and church dignitaries; a "Mormon" apostle—Amasa Lyman, and a Christian minister, the Rev. Norman McLeod, delivered fitting eulogies on the character of the illustrious dead, and recounted the mighty achievements of his life.<sup>21</sup> While it was reserved to a Utah poetess, of

19. *Rocky Mountain Saints*, pp. 611-12.

20. *Ibid*, p. 612. "The *Vedette* and the *Telegraph* (the latter of which Mr. Stenhouse was the editor) had waged fierce warfare, but peace for the future was resolved upon; and as an evidence of good faith, the general proposed to immediately close the former journal." (*Ibid*).

21. Following is the account of the proceedings published in the *Union Vedette*: "On Wednesday, pursuant to notice, all business was suspended in Great Salt Lake City, the stores, public and private buildings, were draped in mourning, and long before the hour named—12 M.—thronges of citizens were wending their way to the tabernacle to render the last sad, solemn, and heartfelt tribute to the great departed and deeply mourned dead. The tabernacle was more than crowded, and upwards of three thousand people were present. The vast assemblage was called to order by City Marshall Little, in the name of the mayor, immediately after the entrance of the



"Mormon" parentage, to write a "Dirge on the Funeral of Lincoln" that is not anywhere surpassed in the literature—prose or poetry—that the sad event produced; no, not even Walt Whitman's "O Captain! My Captain."<sup>22</sup> And thus in Utah, among the Latter-day Saints and the "Gentiles," as elsewhere throughout the nation, was felt the cementing force of the martyred president's death—the unifying effect of a great man's life ending in martyrdom. "Strange (is it not?), that battles, martyrs, agonies, blood, even assassination, should so condense—perhaps only really, lastingly condense—a nationality." "I repeat it," says Whitman—"the grand deaths of the race—the dramatic deaths of every nationality—are its most important inheritance—value—in some respects beyond its literature and art—as the hero is beyond his finest portrait, and the battle itself beyond its choicest song or epic."<sup>23</sup>

## NOTE

SARAH E. CARMICHAEL'S DIRGE: PRESIDENT LINCOLN'S FUNERAL

Toll! Toll!  
Toll! Toll!  
All rivers seaward wend.  
Toll! Toll!  
Weep for the nation's friend.  
Every home and hall was shrouded,  
Every thoroughfare was still;  
Every brow was darkly clouded,  
Every heart was faint and chill.  
Oh! the inky drop of poison  
In our bitter draught of grief!  
Oh! the sorrow of a nation  
Mourning for its murdered chief!

orators, civil and military functionaries, and a large body of prominent citizens, who occupied the platform. The scene was impressive and solemn, and all seemed to partake of the deep sorrow so eloquently expressed by the speakers on the occasion. The stand was appropriately draped in mourning, and the exercises were opened by an anthem from the choir. Franklin D. Richards delivered an impressive prayer. The address of Elder Amasa M. Lyman was an earnest and eloquent outburst of feeling, and appropriate to the occasion. He spoke for forty-five minutes, and held the vast audience in unbroken silence and wrapt attention.

The address did credit to Mr. Lyman's head and heart. After another anthem from the choir, Rev. Norman McLeod, chaplain of Camp Douglas, was introduced and delivered one of the most impressive and burning eulogiums on the life, character, and public services of President Lincoln which it was ever our pleasure to hear."

22. See Note end of chapter for this poem.

23. Whitman's *The Death of Abraham Lincoln*.

## THE HISTORY OF THE CHURCH

Toll! Toll!  
 Toll! Toll!  
 Bound is the reaper's sheaf—  
 Toll! Toll!  
 Toll! Toll!  
 All mortal life is brief.  
 Toll! Toll!  
 Toll! Toll!  
 Weep for the nation's Chief!

Bands of mourning draped the homestead,  
 And the sacred house of prayer;  
 Mourning folds lay black and heavy  
 On true bosoms everywhere:  
 Yet there were no teardrops streaming  
 From the deep and solemn eye  
 Of the hour that mutely waited  
 Till the funeral train went by.  
 Oh! there is a woe that crushes  
 All expression with its weight!  
 There is pain that numbs and hushes  
 Feeling's sense, it is so great.

Strongest arms were closely folded,  
 Most impassioned lips at rest;  
 Scarcely seemed a heaving motion  
 In the nation's wounded breast:  
 Tears were frozen in their sources,  
 Blushes burned themselves away;  
 Language bled through broken heart-threads,  
 Lips had nothing left to say.  
 Yet there was a marble sorrow  
 In each still face, chiseled deep:  
 Something more than words could utter,  
 Something more than tears could weep.

\* \* \* \* \*

Toll! Toll!  
 Toll! Toll!  
 Never again—no more—  
 Comes back to earth the life that goes  
 Hence to the Eden shore!

Let him rest! it is not often  
 That his soul hath known repose;  
 Let him rest!—they rest but seldom  
 Whose successes challenge foes.

He was weary-worn with watching;  
His life-crown of power hath pressed  
Oft on temples sadly aching—  
He was weary, let him rest.  
Toll, bells at the Capital!  
Bells of the land, toll!  
Sob out your grief with brazen lungs—  
Toll! Toll! Toll!<sup>24</sup>

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24. Sarah E. Carmichael—" 'Lizzie' Carmichael, as we were affectionately wont to call her—was reared in Utah and of Mormon parents. They were of Scotch descent, and of course emigrated to Utah with the same motive and expectation of finding 'Zion' in these 'chambers of the mountains' that have induced a hundred thousand souls to leave their native lands to cast their lots with this Zion of the western hemisphere." (Tullidge's *Western Galaxy* May, 1888, p. 335).

## CHAPTER CXXV

### MISCELLANEOUS EVENTS, 1857-1865: THE PONY EXPRESS— SURVEY OF MISSIONARY ACTIVITIES

SUCH has been the nature of the events—such their relation to each other and to the general subject of this writing, that for several chapters both the events themselves and the scenes which constitute their setting have been located in Utah. Remembering that this church whose story I am detailing is a world-wide church, and embraces other activities than those centering in Utah, it is now proper to call attention to some events, miscellaneous in their character, occurring outside as well as within, the territory of Utah.

#### COMMUNICATION—IMPORTANCE OF

The first of these events relates to communication with the outside world. This was held to be a matter of highest importance from the exodus from Nauvoo up to the coming of the electric telegraph line to Salt Lake City, both from the east and the west, and the arrival of the regular fast mail trains which came, of course, with the advent of the railways. That this communication with the outside world was regarded as important by the Latter-day Saint leaders and people is manifested by the adoption of independent express service between the various divisions of their moving camps while *en route* for the west; and in the anxiety to have government-established mail and carrying service with the intermountain settlements, as evidenced by the petitions of the "Mormon" legislatures for both local and transcontinental post roads. All which are refutations of alleged determination on the part of the Latter-day Saints to live in isolation.

#### THE PONY EXPRESS

In 1859-60 there was established a method of communication which, though it lasted but a comparatively short



period, is worthy of mention in a history of these times. This was the pony express. The system was organized by W. H. Russell, of St. Louis, and others. The plan was to run a light letter mail service across the continent by solitary horsemen, carrying fifteen pounds of letters at \$5 per half ounce. The stations were located about twenty-four miles apart, and each rider was required to span three stations at the rate of eight miles an hour as his day's ride. These riders heroically covered their route, "regardless of snows and storms, or savages and beasts of prey, yet not without the sacrifice of life." The solitary pony express rider, sometimes ambushed, and sometimes chased down by the savages, yielded his life in the cause of advancing civilization in western America.

The time for letters between New York and San Francisco was reduced to thirteen days. The actual ride took ten and one-half days; telegraph stations shortened message time to nine days. "The high charges prevented the line from being profitably patronized," says H. H. Bancroft; "it seldom carried over 200 letters, and at times less than 20; the best pay came from a mail contract. Indian troubles brought interruptions. With the completion of the overland telegraph in 1861, the pony express was practically abandoned."<sup>1</sup>

The pony express service was popular in Utah, and a number of young "Mormons" were among the most successful and fearless riders. "The pony express proves to be quite an institution," wrote George A. Smith in April, 1861. "The news of the surrender of Fort Sumter reached here [Salt Lake City] in seven days."<sup>2</sup>

"The pony express brings us news from [Fort] Kearney in five days," again writes George A. Smith in June, 1861; "twice a week regularly. The telegraphic wires have been in successful operation from the states to Kearney all winter;

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1. Bancroft's *History of California*, vol. vii, p. 146, note.

2. This letter was to John L. Smith and is copied into the *History of Brigham Young, Ms.*, 1861, p. 165.

hence our express and telegraphic facilities are greater, and we hear Washington and foreign news much sooner than many points in the western states—this is very different from the days of ‘ox train telegraphs.’ When an express arrives the printers have no peace until an ‘extra’ is out, which is generally in six or seven hours, and is looked for by many with intense anxiety.”<sup>3</sup>

#### PONY EXPRESS CLUB IN SALT LAKE CITY

A pony express club was formed in Salt Lake City, at the head of which was President Young, who with a few other persons and the *Deseret News*, paid for a duplicate of the California press service, and the *News* would get out the “extras” as described above. The expense was such, however, that it was finally determined that the club must be enlarged to 100 paying members, which would reduce the expense to 20 cents per capita per week for such a club, or “ten cents a pony;” and President Young directed that no more *News* “extras” be printed until 500 cash subscribers at 10 cents each per week be listed.<sup>4</sup> Such was the desire for the latest word from “the states” in those stirring war times, however, that the subscriptions were readily obtained, and the duplicate of the dispatches the pony express riders were carrying to the Pacific press continued to be taken at Salt Lake City, until the telegraph supplanted the pony system, which, as will be remembered, it did in October, 1861.

#### THE DESERET ALPHABET—ABORTIVE

To this period belongs an effort, or a series of efforts, to introduce a new alphabet for the English language, called the Deseret Alphabet. It was a laudable undertaking to simplify the orthography and reading of the English language “by establishing a determinate and uniform relation between

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3. Letter to the presidency of the European Mission, *History of Brigham Young*, Ms., 1861, p. 245.

4. *History of Brigham Young*, Ms., 1861, pp. 245 and 404-5.



THE WESTERN OVERLAND STAGE COACH

From a photograph 1862





the sign and its sound;" in a word, "a phonetic alphabet." This effort was begun in October, 1853, by the board of regents of the "University of Deseret" appointing a committee, of whom Parley P. Pratt, Heber C. Kimball and George D. Watt were members, to prepare such a system. Various opinions were entertained, of course, as to what the system should attempt. Parley P. Pratt was in favor of each letter of the new alphabet representing a single sound, invariably; but this, it was urged, would make the alphabet too cumbersome. At a session of the board of regents in December, 1853, the alphabet was adopted under the name by which it was ever afterwards known, although it subsequently received various modifications. As finally adopted and used to a limited extent, the alphabet consisted of thirty-two letters or sounds, "of which the so-called vocal sounds were eleven, including six long, with short sounds to correspond; four double, and one asperate, and twenty-one articulate sounds."<sup>5</sup>

As in all things relating to "Mormon" effort a variety of opinions obtained as to the purpose for which the alphabet was adopted. "Some persons," says M. Jules Remy, "have supposed that the object of the alphabet was to prevent access to the Mormon books and writings;" and this in face of all the efforts to give publicity to "Mormon books and writings,"<sup>6</sup> and their translation into as many languages as possible. Bancroft mentions as an additional motive to simplified spelling and pronunciation of the English language, the further object of exclusiveness—"a separate people wishing to have a separate language, and perhaps, in time, an independent literature;" and this in the face of petitioning—during the time of introducing the alphabet—for the coming of transcontinental telegraph and railroad lines, and repeated efforts for the admission of Utah into the Union, all which

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5. *History of Deseret University, Ms.*, pp. 1-35 *passim*, quoted by Bancroft, *History of Utah*, p. 712, note.

6. *A Journey to Great Salt Lake City*, M. Jules Remy, 1861, vol. ii, p. 184.

would make for closer association of the Latter-day Saints with their fellow citizens of the United States, not exclusiveness, either in community life or in literature. There was no other purpose in the adoption of the Deseret Alphabet than a laudable desire to simplify the orthography and reading of the English language, by the substitution of a simple phonetic, for the present complex and confessedly defective, alphabet. The experiment, however, was not successful; the difficulty of application, involving the effacement of etymologies and the disconnection of roots from their derivatives, together with the limitations of the community, making it abortive.

The characters were a "Mormon" invention. Captain Burton saw in them, however, a stereographic modification of Pitman's and other phonetic systems, and appeals to the *facsimile* of the characters which he publishes.<sup>7</sup> Bancroft declares them to be borrowed from the Greek, and appeals to the characters, a *facsimile* of which he also publishes. Bancroft also makes a fanciful allusion to a relationship between this alphabet and the characters in which the *Book of Mormon* was written, affecting ability to trace certain resemblances between some of the characters transcribed by the Prophet from the *Book of Mormon* plates to the Greek characters *pi*, *rho*, *tan*, *phi*, and *chi*.<sup>8</sup> A font of type for the new alphabet was cast in St. Louis and some books, *The Deseret First and Second Readers* were published, and to a limited extent were introduced into some of the schools. In 1869 Orson Pratt published the *Book of Mormon* in the characters of the new alphabet, but with this the experiment closed.

#### SURVEY OF MISSION PRESIDENCIES—EUROPEAN

During the exciting times in Utah from 1857 to 1865 the church did not fail to carry on the several missions she had founded in various parts of the world. When Elders Orson Pratt and Ezra T. Benson, of the council of the

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7. *City of the Saints*, p. 420.

8. Bancroft's *History of Utah*, pp. 712-14.

twelve, were called home from the presidency of the European Mission, in consequence of the "Utah Expedition," and the seeming likelihood of a removal of the headquarters of the church from Salt Lake valley, they were succeeded in that presidency by Elder Samuel W. Richards, president, and Elders Asa Calkin and George G. Snyder as his counselors.<sup>9</sup> The presidency of Elder Richards, however, only continued about four months; when, according to the understanding previously had with the authorities at Salt Lake City, he returned to Utah.<sup>10</sup> He was succeeded in the European Mission presidency by Asa Calkin, who chose for his counselors Elders James D. Ross and William Budge.<sup>11</sup> This presidency continued until April, 1860—a little more than two years, when a change was made in it by the arrival of N. V. Jones and Jacob Gates from Utah, these brethren becoming counselors to President Calkins shortly after their arrival in England;<sup>12</sup> and about a month later the two brethren, Jones and Gates, became the presidency of the mission. Elders Calkins, Ross and Budge having departed for Zion.<sup>13</sup>

#### THE SCANDINAVIAN MISSION

The Scandinavian Mission was presided over during this period—1857-1860—by Hector C. Haight and Carl Widerborg, in succession, the latter's presidency covering two years of the time. He was a native of Denmark and a man both of education and ability. At a special council of the authorities of the European Mission, he reported 1,038 baptisms in the Scandinavian Mission, during the year 1858, divided as follows: Denmark, 619; Norway, 184; Sweden,

9. *Millennial Star*, vol. xix, pp. 697-699.

10. *Millennial Star*, vol. xx, pp. 152-3.

11. *Ibid.*, pp. 153 and 171.

12. *Millennial Star*, vol. xxii, p. 218, and pp. 312-3.

13. Elder J. D. Ross left England for America on the 28th of March with a company of saints, numbering 594 souls, of which he was the president. They sailed in the ship *Underwriter*. Elders Calkin and Budge left England a month and a half later (April 11th, 1860) with a company of 730 saints, 312 being from Scandinavia and 85 from Switzerland. (*Millennial Star*, vol. xxii, pp. 234 and 331). For complete list of presidents of the European Mission, see Note 1, end of chapter.

235. The total membership of the church in the three countries at the time was 3,709.<sup>14</sup>

#### SWISS, ITALIAN AND GERMAN MISSION

Jabez Woodard was president of the Swiss and Italian Mission, afterwards known as the Swiss and German Mission, since little could be done in Italy, and the work enlarged in Germany. Elder Woodard at the above named council reported 550 members in this mission.<sup>15</sup>

#### THE FRENCH MISSION

Elder Mark Barnes at this time was president of the French Mission, which it will be remembered included the Channel Islands as part of its territory. He had been preceded in the presidency of the mission by its founder, Elder John Taylor, of the council of the twelve (1850-51), Elders Curtis E. Bolton, A. L. Lamoreaux, W. C. Dunbar, George D. Keaton. Elder Barnes had been president since the latter part of June, 1858.<sup>16</sup> He reported at the above named council of the authorities of the European Mission, two conferences, the Channel Islands and the Paris conference, with a membership of 127.<sup>17</sup>

#### THE NETHERLANDS MISSION

During this period, *viz*, in 1861, the Holland or Netherlands Mission was founded by Elder Paul A. Schettler who labored in that land most faithfully and became the first president of the mission (1861-1864). It has continued to be a fruitful field until the present (1930).<sup>18</sup>

#### PRESIDENCY OF THREE OF THE APOSTLES FOR THE EUROPEAN MISSION

Such was the condition of the work in the European Mis-

14. *Millennial Star*, vol. xxi, p. 71. For complete list of presidencies of the Scandinavian missions see Note 2, end of chapter.

15. See Note 3, end of chapter for complete list of Swiss and German Mission presidencies, from the first until the present time, 1930.

16. See *Millennial Star*, vol. xx, p. 701.

17. *Millennial Star*, vol. xxi, p. 81.

18. See Note 4, end of chapter.



sion in the spring of 1860, when President Brigham Young appointed three of the twelve apostles, Elders Amasa M. Lyman, Charles C. Rich, and George Q. Cannon to be the presidency of the European Mission. Elders Lyman and Rich departed at once for their field of labor, where they arrived on the 27th of July, 1860, accompanied by eleven other elders from Utah. A few days later three others arrived, and about twenty more were reported *en route*.<sup>19</sup> Elders Lyman and Rich immediately took the presidency of the mission. George Q. Cannon who had been called into the council of the apostles and sustained at the April conference of 1860,<sup>20</sup> was at the time "in the states," superintending the emigration affairs of the church. He was called to return to Utah, where he received his ordination to the apostleship on the 26th of August, and six weeks later he started to join his associate presidents in the European Mission, arriving in Liverpool on the 21st of December. He had been chosen more especially to take editorial charge of the *Millennial Star* and the emigration affairs of the mission. This presidency of the three apostles at once infused new life into the European Mission. Elder Lyman was doubtless the most persuasive and forceful speaker in the church at that time; Elder Rich, one of the wisest counselors and most faithful and earnest teachers of the plain truths of the gospel, and the practical duties of the saints; while Elder Cannon was the clearest and most forceful writer in the church. All three apostles, together with their associates in the ministry, worked with great energy, with the result that a mighty impetus was given to the work in all the European Missions. The presidency of the three apostles continued until the 14th of May, 1862, when Elders Lyman and Rich returned to Utah, and Elder Cannon went to Washington, D. C., where he joined William H. Hooper, who, with himself, had been elected the senators from the provisional "State of Deseret," and were instructed to work

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19. *Ibid.*, vol. xxii, pp. 506, 524.

20. *History of Brigham Young, Ms.*, entry, 7th April, 1860, p. 87.

for statehood for Utah under that name and title. Their failure to secure statehood has already been chronicled. After the adjournment of congress Elder Cannon returned to England where, after an absence of only two months and a half, he resumed the presidency of the European Mission, in which he continued until August, 1864, a period of three years and eight months. Unfortunately the results in the European Mission under the presidency of the three apostles, covering about two years, supplemented by the individual presidency of Elder Cannon for nearly two years more, have not been tabulated, but some idea may be had of the impetus given to the work and the fruitfulness of the ministry during that time, when it is recorded that at a general council of the European Mission held at Birmingham, in the beginning of 1864, it was reported that the increase of membership by baptism in Scandinavia the previous year was 1,587 souls; and in Great Britain for the same time was 2,231 souls; which with 157 baptisms in other parts of the mission brought up the total to 3,957 souls for 1863. During the same year about 3,690 souls had emigrated to America, and chiefly to the gathering place of the saints in the valleys of Utah.<sup>21</sup>

#### METHOD OF MISSIONARY SUPPORT CHANGED

Shortly after the departure of Elder George Q. Cannon to join his fellow apostles in the presidency of the European Mission, President Brigham Young, in a special meeting of the bishops of Salt Lake City, very sharply condemned the practice that had sprung up in the European Mission—more especially in Great Britain—of some of the missionaries from Utah soliciting money from the church members for their personal use, until it amounted in some instances to preying upon the people, many of whom could ill afford from their pittance to spare the gratuities insisted upon. In order to

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21. See *Millennial Star*, editorial synopsis of the said council, vol. xxvi, pp. 88-91. The full minutes of this important council will be found at length in *Millennial Star*, vol. xxvi, pp. 81 to 215.

sweep away every excuse for such a course President Young informed the bishops that he would inaugurate a new system of procedure, which he explained in these words:

"I intend hereafter that this people [i. e. in Utah—in the organized stakes of Zion] shall find means to send the elders to their fields of labor, and if necessary to bring them back again. Our elders have had to beg so much of the people, that they have bound the saints with chains of oppression. *This must be stopped.* The saints in Zion must take this burden off from the poor abroad. \* \* \* This subject has pained me for years, but I have never had the power until now to handle it. I now have the power, and I will use it, thank the Lord."<sup>22</sup>

At the tabernacle bowery meeting on the Sunday following, *viz*, September 16th, President Young said:

"From this time forward he wanted the Latter-day Saints in this territory to fit out our own missionaries, to clothe them and give them money to take them to their destined fields of labor, and in all cases where it is necessary to sustain their families while they were absent. He did not want any more elders to go on missions and come back merchants, nor to spend their time scheming and contriving how they could make the most out of the poor saints; but in future he wanted and intended that they should pursue a different course, and instead of the elders spending all the tithing collected abroad, he would have it kept subject to his orders for the gathering of the poor from all nations."<sup>23</sup>

#### MISSION DEPRESSION IN GREAT BRITAIN

The years of the presidencies following the departure of Elders Pratt and Benson, mark a period of depression in the European missions, especially in Great Britain. With Elders

22. *History of Brigham Young, Ms.*, 1860, pp. 297-303. The synopsis of President Young's remarks at the bishops' meeting is brought over from *Wilford Woodruff's Journal*, under date of Sept. 13th, 1860. Woodruff remarks, parenthetically, that in delivering the address President Young in some parts of it "*walked the floor and his voice was like the voice of God.*" Woodruff himself spoke at the meeting and in the course of his remarks said: "I feel to thank God that we are blessed with a leader who has independence of mind sufficient to do the will of God, let him reprove or rebuke whom he may. He asks no odds of any kingdom, nation, people, person or thing who stands in the way of doing his duty. It is a blessing to us to have a leader who has eyes to see for us when we are in danger, and if we had not some one to warn us and reprove us when we do wrong, we would not be safe. President Young is sustained by the power of God, and when he calls upon us to do anything, we ought to do it, and if we withhold, we do so to our hurt." (*Woodruff's Journal* for 13th of Sept., 1860). Woodruff gives an account of a previous meeting—Sept. 9th—held to consider the same subject, in which President Young even more sharply reproved the elders—sparing none—who had been guilty of this practice. (See *Woodruff's Journal*, entry for 9th Sept., 1860).

23. *Deseret News* of Sept. 19th, 1860, minutes of the bowery meeting.

Pratt and Benson, or shortly afterwards, went nearly all the American elders, in consequence of the Utah difficulties; many of the native elders and the prominent members of the church of earlier days had moved to Zion in the large emigrations from England in 1856, and with them had gone many brethren of literary ability; no elders had come from Zion to take their places until the arrival of Elder N. V. Jones and Jacob Gates; emigration to America, to Zion, ever a source of interest and activity—had been suspended; and a book and *Millennial Star* indebtedness had accrued amounting in round numbers to 6,855 English pounds, or \$34,425,<sup>24</sup> nearly half of which amount was paid off in about nine months of the Calkin presidency; “and at the same time,” said the *Star* editorial in reviewing the subject, there has been a more liberal and honest tithing paid into this office than at any previous time, as well as a cheerful and prompt response made to every other call for the benefit of the work.<sup>25</sup>

The British Mission was fortunate in this period in having such able native elders as William T. Budge, J. D. Ross, and Charles W. Penrose, all of whom were able expounders of the faith and did much in a period of depression to maintain interest in the work of the Lord in that land.

During the presidency of the three apostles—Lyman, Rich and Cannon—including the individual presidency of Elder Cannon—about thirteen thousand Latter-day Saints shipped from Liverpool to Salt Lake valley, and about the same number united with the church by baptism in the European Missions.<sup>26</sup>

It was during this period that Charles Dickens so vividly described the “Mormon” emigration in his *Uncommercial Traveler*, and declared of a company of emigrating saints from London, numbering eight hundred, that they, in their degree,—were “*the pick and flower of England.*” “A very

24. *Millennial Star*, vol. xx, p. 63.

25. *Millennial Star*, vol. xx, p. 777.

26. Jenson's *L. D. S. Biographical Encyclopedia*, 1901, Art. Cannon, vol. i, p. 48.



fine set of people. \* \* \* Indeed," said Dickens, "I think it would be difficult to find eight hundred people together anywhere else, and find so much beauty and so much strength and capacity for work."<sup>27</sup>

#### ELDER LOUIS A. BERTRAND'S MISSION IN FRANCE

Among the elders who were sent to the European Mission from Utah in 1859-60 was Louis A. Bertrand, a native of France. He was assigned to Paris where he labored for some time as a traveling elder, but finally succeeded Elder Mark Barnes as president of the French Mission. In that capacity he addressed a communication to Napoleon III, emperor of the French, bearing date of 14th of March, 1861, asking for the privilege of preaching in France, and for a personal interview. "I had the honor last year," he said in his letter to the emperor, "to apply to two of your state ministers to ask them the privilege of preaching the gospel in France, both made a negative answer. This day I take the respectful liberty of applying directly to your majesty to supplicate you to grant me a particular interview."

Elder Bertrand represented that he had spent four years in Salt Lake City, and he would be happy to answer any inquiries the emperor might make on the subject of "Mormonism."<sup>28</sup> The communication reached the hands of his majesty through M. Moquard, his private secretary. Bertrand also indirectly learned the fate of his letter through the same gentleman. The interview was not granted, the letter was read by the emperor, who laughed at it, and tore it to pieces.<sup>29</sup>

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27. Dickens' *Uncommercial Traveler* (the article appeared first in *All the Year Round*, London, 1863). Dickens also gives a pen picture—though not naming him—of Elder George Q. Cannon that is worth perpetuating. It will be found in connection with other excerpts from Dickens' paper in Note 5, end of chapter.

28. The communication in full will be found in *Millennial Star*, vol. xxiii, pp. 220-21. It is also found with its date in *History of Brigham Young, Ms.*, 1861, pp. 153-58.

29. See letter of Bertrand to George A. Smith, copied into *History of Brigham Young, Ms.*, entry for March 6th, 1860, pp. 52-3. It is copied into the above *History* for 1860, though the letter itself bears date of 6th March, 1865. The action of Louis Napoleon was quite to be expected, and yet this proud and scornful emperor of the

The prefect of police in 1864 finally prohibited Elder Bertrand or other "Mormon" missionaries from preaching in France, or attending meetings,<sup>30</sup> with the result that the French Mission was closed for many years, though the gospel was preached occasionally in parts of that country by elders from adjacent missions; and in 1912 the French Mission was again organized under the direction of Elder Rudger Clawson, president of the European Mission.

#### NOTES

##### 1. PRESIDENTS OF THE EUROPEAN MISSION, 1837-1930

The presidents of the European Mission from the first to the present time are as follows: Heber C. Kimball from 20th July, 1837, to 20th April, 1838; Joseph Fielding *et al.*, 20th April, 1838, to 6th July, 1840; Brigham Young, 6th July, 1840, to April, 1841; Parley P. Pratt, April, 1841, to 20th October, 1842; Thomas Ward, October, 1842, to 1st Nov., 1843; Reuben Hedlock, 1st Nov., 1843, to Feb. 4th, 1845; Wilford Woodruff, Feb. 4th, 1845, to Oct., 1846; Orson Hyde, October, 1846, to January, 1847; Franklin D. Richards (*ad interim*), January, 1847, to February, 1847; Orson Spencer, February, 1847, to August, 1848; Orson Pratt, August, 1848, to January, 1851; Franklin D. Richards, January, 1851, to May, 1852; Samuel W. Richards, May, 1852, to June, 1854; Franklin D. Richards, June, 1854, to August, 1856; Orson Pratt, August, 1856, to October, 1857; Samuel W. Richards, October, 1857, to March, 1858; Asa Calkin, March, 1858, to May, 1860; Nathaniel V. Jones *et al.*, May, 1860, to August, 1860; Amasa M. Lyman, *et al.*, August, 1860, to May 14, 1862; Jacob G. Bigler, *pro tem*, May, 1862, to July, 1862; George Q. Cannon, July, 1862, to September, 1864; Daniel H. Wells, September, 1864, to August, 1865;

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French had both a prophetic and historical connection with the thing he so despised—"Mormonism"—whether he would or no; an account of which is given in *Note 6*, end of this chapter.

30 See George A. Smith's *Answers to Questions*, 1869, p. 32. Elder Bertrand published *Memories d'u Mormon*, which appeared first in *La Revue Contemporaine*, afterwards in booklet form, an edition of 2,200. (Bertrand translated, when on a previous mission in France, Parley P. Pratt's *Voice of Warning*, of which an edition of 1,000 was printed). About this time, Feb., 1861—*Les Debats* published a lengthy review of M. Jules Remy's two volumes *A Journey to Great Salt Lake with A Sketch of the History, Religion and Customs of the Mormons*, Paris, 1861, which review was looked upon as favorable to the cause of Bertrand. (See *Millennial Star*, vol. xxiii, p. 140). Elder Bertrand also translated an article on "Celestial Marriage," by Orson Pratt; the *Doctrine and Covenants*, and eight pamphlets by Orson Pratt, none of these, however, were published. (See Bertrand's communication to George A. Smith, *History of Brigham Young, Ms.*, 1860, pp. 52-3). George Q. Cannon, president of the European Mission, spoke in high praise of the labors of Elder Bertrand. He left Utah on his mission in 1859, and in the latter part of that year arrived in France, where he labored until the summer of 1864. "His field," said President Cannon, "has been

Brigham Young, Jr., August, 1865, to July, 1867; Franklin D. Richards, July, 1867, to September, 1868; Albert Carrington, September, 1868, to June, 1870; Horace S. Eldredge, June, 1870, to June, 1871; Albert Carrington, June, 1871, to October, 1873; Lester J. Herrick, *pro tem*, October, 1873, to March, 1874; Joseph F. Smith, March, 1874, to September, 1875; Albert Carrington, September, 1875, to June, 1877; Joseph F. Smith, June, 1877, to July, 1878; Wm. Budge, July 1878, to November, 1880; Albert Carrington, November, 1880, to November, 1882; John Henry Smith, November, 1882, to January, 1885; Daniel H. Wells, January, 1885, to February, 1887; George Teasdale, February, 1887, to October, 1890; Brigham Young, Jun., October, 1890, to February, 1893; Alfred Solomon, *pro tem*; Anthon H. Lund, June, 1893, to July, 1896; Rulon S. Wells and Jos. W. McMurrin, July, 1896, to December, 1898; Platte D. Lyman, November, 1898, to May, 1901; Francis M. Lyman, June, 1901, to February, 1904; Heber J. Grant, February, 1904, to November, 1906; Chas. W. Penrose, November, 1906, to June, 1910; Rudger Clawson, June, 1910, to April, 1913; E. Taft Benson, *pro tem*, April, 1913, to September, 1913; Hyrum M. Smith, September, 1913, to September, 1916; George F. Richards, September, 1916, to July, 1919; George Albert Smith, July, 1919, to July, 1921; Orson F. Whitney, July, 1921, to November, 1922; David O. McKay, November, 1922, to December, 1924; James E. Talmage, January, 1925, to December, 1927; John A. Widtsoe, January, 1928, to present.

## 2. PRESIDENTS OF THE SCANDINAVIAN MISSION

Erastus Snow, 1850 to 1852; John E. Forsgren, 1852; Willard Snow, 1852 to 1853; John Van Cott, 1853 to 1856; Hector C. Haight, 1856 to 1858; Carl Widerborg, 1858 to 1860; John Van Cott (2nd term), 1860 to 1862; Jesse N. Smith, 1862 to 1864; Samuel L. Sprague, *pro tem*, 1864; Carl Widerborg (2nd term), 1864 to 1868; Jesse N. Smith (2nd term), 1868 to 1870; William W. Cluff, 1870 to 1871; Canute Peterson, 1871 to 1873; Christian G. Larsen, 1873 to 1875; Nils C. Flygare, 1875 to 1876; Ola N. Liljenquist, 1876 to 1877; August W. Carlson *pro tem*, 1877 to 1878; Nils C. Flygare (2nd term), 1878 to 1879; Niels Wilhelmsen, 1879 to 1881; Andrew Jenson *pro tem*, 1881; Christian D. Fjeldsted, 1881 to 1884; Anthon H. Lund, 1884 to 1885; Nils C. Flygare (3rd term), 1885 to 1888; Christian D. Fjeldsted (2nd term), 1888 to 1890; Edward H. Anderson, 1890 to 1892; Joseph Christiansen, 1892 to 1893; Carl A. Carlquist, 1893 to 1894; Peter Sundwall, 1894 to 1896; Christian N. Lund, 1896 to 1898; George Christensen, 1898; Andreas Peterson, 1898 to 1901; Anthon L. Skanchy, 1901 to 1904; Christian D. Fjeldsted (3rd term), Dec. 6th, 1904, to 1905.

From 1850 to 1905 the Scandinavian Mission included Denmark,

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a very hard one, and his sanguine perseverance and patient endurance in it have frequently called forth our admiration and sympathy." (*Millennial Star*, vol. xxvi, p. 460).

Sweden, and Norway. From 1905 to 1920, Denmark and Norway became the Danish-Norwegian Mission, and Sweden became known as the Swedish Mission. Following are the names of the presidents of these missions:

*Danish-Norwegian Mission:* Jens M. Christensen, July, 1905, to November 11, 1907; Soren Rasmussen, November 11, 1907, to February 15, 1909; Andrew Jenson, Feb. 15, 1909 to May 15, 1909; Martin Christoffersen, Feb. 15, 1909, to May 15, 1912; Hans J. Christiansen, May 15, 1912, to May, 1914; Carl E. Peterson, May, 1914, to April, 1920.

*Swedish Mission:* Peter Mattson, July, 1905, to May, 1908; Peter Sundwall, May, 1908, to November, 1910; Andreas Peterson, November, 1910, to November, 1912; A. Theodore Johnson, November, 1912, to October, 1913; Theodore Tobiason, October, 1913, to June, 1916; Anders P. Anderson, June, 1916, to August, 1919; Theodore Tobiason, August, 1919, to August, 1921; Oscar W. Soderberg, *pro tem*, December, 1920, to July, 1921; Isaac P. Thunell, July, 1921, to November, 1922; Gideon N. Hulterstrom, November, 1922, to July, 1923; Hugo D. E. Peterson, July, 1923, to August, 1925; John H. Anderson, August, 1925, to November, 1926; Andrew Johnson, November, 1926 to 1927; Gideon N. Hulterstrom, 1927 to 1930.

*Danish Mission:* Carl E. Peterson, April, 1920, to 1923; John S. Hansen, 1923 to February 15, 1926; Joseph L. Peterson, 1926 to 1929; Holger M. Larsen, 1929 to 1930.

*Norwegian Mission:* August S. Schou, 1920 to 1923; Albert Richard Petersen, 1923 to 1926; Martin Christoffersen, 1926 to 1927; Lorenzo W. Anderson, 1927 to 1929; Hyrum D. Jensen, 1929 to 1930.

### 3. PRESIDENTS OF THE SWISS AND GERMAN MISSION

The Swiss German Mission, originally known as the Swiss and Italian Mission, was opened by Elder Lorenzo Snow and fellow laborers, in 1850. After him the following elders presided over the mission, the beginning of each term marking the end of the one preceding it: Thomas B. H. Stenhouse, from 1851; Daniel Tyler, from October 1, 1854; John L. Smith, January, 1856; Jabez Woodard, October, 1857; John L. Smith (second term), Jan. 24, 1861; Paul A. Schettler *pro tem.*, Jan., 1864; Wm. W. Riter, 1864; W. P. Nebeker, 1865; Joseph S. Horne, May, 1867; Karl G. Maeser, June, 1868; Edward Schoenfeld, July, 1870; John Huber, June, 1872; John W. Stucki, June, 1874; Joseph S. Horne (second term), June, 1876; Henry Flamm, Oct., 1877; Serge L. Ballif, May, 1879; John Alder, May, 1881; Peter F. Goss, April 4, 1882; John Q. Cannon, Aug. 21, 1883; Fred W. Schoenfeld, May 16, 1884; John U. Stucki (second term), May 19, 1888; Theodore Brandley, Sept. 1, 1890; John Jacob Scharer, Sept. 15, 1891; J. H. Stoker, Feb. 7, 1894; and Geo. C. Naegle, April 28, 1894. (*Church Chronology*, Jenson, pp. 213-4.) Since that time the presidents have been: Peter Loutensock,



Jan. 1, 1897; Henry E. Bowman, Jan. 1, 1898; Lewis S. Cardon, Jan. 1, 1900; David L. McDonald; Levi E. Young, June, 1902; Hugh J. Cannon, May 22, 1904; Serge F. Ballif, March 9, 1905; Thomas E. McKay, March, 1909; Hyrum Valentine, March, 1912; Angus J. Cannon, Sept., 1916, to 1920; Serge F. Ballif, 1920 to 1922; Fred Tadge, 1923 to 1925; Hugh J. Cannon, 1925 to 1928; Fred Tadge, 1928 to 1930.

*German-Austrian Mission:* Hyrum W. Valentine, 1927 to 1929; Edward P. Kimball, 1929 to 1930.

#### 4. NETHERLANDS MISSION

This mission, which is also called the Holland Mission, was founded in 1861 and in due course of time Belgium was included in the mission in which both the German, Dutch and French languages are used: Following are the names of the presidents: Paul S. Schettler, from 1861 to 1864; Joseph Weiler, 1864 to 1867; Francis A. Brown, May, 1867, to October, 1867; Marcus Holling, 1867 to 1871; Jan. F. Krumpferman, 1871 to December, 1871; Sybrien Van Dyke, 1871 to 1874; local elders, *pro tem*, 1874 to October, 1874; Dirk Buckholt, 1874 to 1875; Peter J. Lammers from October 9, 1875, to 1877; Jan Hansink, *pro tem*, June 23, 1877, to Sept. 20, 1877; Bernhart H. Schettler from September 20, 1877, to 1878; Peterson, local elder, *pro tem*, June, 1878, to May, 1880; Sybrien Van Dyke, May, 1880, to June, 1882; Xavier Willem Koldewyn, *pro tem*, June 17, 1882, to November, 1882; Peter J. Lammers, November, 1882, to 1884; Xavier Willem Koldewyn, December, 1884, to November, 1885; John W. F. Volker, November, 1885, to March, 1889; Francis A. Brown, March, 1889, to 1891; Timothy Metz, January 3, 1891, to 1892; Alfred L. Farrell, 1892 to 1893; Edward Bennion, May, 1893, to March, 1895; Asa W. Judd from 1895 to 1896; George S. Spencer, from March, 1896, to December, 1896; Fred Pieper, December, 1896, to 1898; Alfred L. Farrell, September, 1898, to 1900; Sylvester Q. Cannon, 1900 to 1902; Willard T. Cannon, 1902 to 1905; Jacob H. Trayner, 1905; Alexander Nibley; Sylvester Q. Cannon, May, 1907, to June, 1909; James H. Walker, June, 1909, to September, 1909; Brigham G. Thatcher, September, 1909, to 1911; Roscoe W. Eardley, 1911 to 1913; Thomas C. Hair, July, 1913, to November, 1913; Le Grand Richards, November, 1913, to 1916; John A. Butterworth, 1916 to 1920; John P. Lilywhite, April, 1920, to 1923; Chas. S. Hyde, 1923 to 1826; John P. Lilywhite, 1926 to 1929; Frank I. Kooyman, 1929 to 1930.

#### 5. CHARLES DICKENS ON LATTER-DAY SAINT EMIGRANTS FROM ENGLAND

The visit of Dickens was made to the ship *Amazon* which sailed from London with between eight and nine hundred members of the church on board, June 4th, 1863:

"I go aboard my emigrant ship. \* \* \* Nobody is in ill temper,

nobody is the worse for drink, nobody swears an oath or uses a coarse word, nobody appears depressed, nobody is weeping, and down upon the deck in every corner where it is possible to find a few spare feet to kneel, crouch, or lie in, people in every unsuitable attitude for writing, are writing letters.

Now, I have seen emigrant ships before this day in June. And these people are so strikingly different from all other people in like circumstances whom I have ever seen, that I wonder aloud, 'What would a stranger suppose these emigrants to be!'

The vigilant bright face of the weather-browned captain of the *Amazon* is at my shoulder, and he says, 'What, indeed! The most of these came aboard yesterday evening. They came from various parts of England in small parties that had never seen one another before. Yet they had not been a couple of hours on board when they established their own police, made their own regulations, and set their own watches at all the hatchways. Before nine o'clock the ship was as orderly and as quiet as a man-of-war. \* \* \* A stranger would be puzzled to guess the right name for the people, Mr. Uncommercial,' says the captain.

'Indeed he would!'

'If you hadn't known, could you ever have supposed?'

'How could I! I should have said they were in their degree, *the pick and flower of England.*'

'So should I,' says the captain.

'How many are they?'

'Eight hundred in round numbers.' \* \* \* 'Eight hundred what? Geese, villain?' 'Eight hundred Mormons.' I, Uncommercial Traveler for the firm of Human Interest, Brothers, had come abroad this emigrant ship to see what eight hundred Latter-day Saints were like, and I found them (to the rout and overthrow of all my expectations) like what I now describe with scrupulous exactness.

The Mormon agent who had been active in getting them together and in making the contract with my friends the owners of the ship to take them as far as New York on their way to Great Salt Lake, was pointed out to me. A compactly-made, handsome man in black, rather short, with rich brown hair and beard, and clear bright eyes. From his speech, I would set him down as American. Probably, a man who had 'knocked about the world' pretty much. A man with a frank, open manner and unshrinking look; withal a man of great quickness. I believe he was wholly ignorant of my Uncommercial individuality, and consequently of my immense Uncommercial importance.

*Uncommercial.* 'These are a very fine set of people you have brought together here.'

*Mormon Agent.* 'Yes, sir, they are a very fine set of people.'

*Uncommercial* (looking about). 'Indeed, I think it would be difficult to find eight hundred people together anywhere else, and find so much beauty and so much strength and capacity for work among them.'

*Mormon agent* (not looking about, but looking steadily at Uncommercial). 'I think so. We sent out about a thousand more yesterday, from Liverpool. \* \* \*'

Among all the fine handsome children, I observed but two with marks upon their necks that were probably scrofulous. Out of the whole number of emigrants, but one old woman was temporarily set aside by the doctor, on suspicion of fever; but even she afterwards obtained a clean bill of health. \* \* \*

I afterwards learned that a dispatch was sent home by the captain before he struck out into the wide Atlantic, highly extolling the behavior of these emigrants, and the perfect order and propriety of all their social arrangements. What is in store for the poor people on the shore of the Great Salt Lake, what happy delusions they are laboring under now, on what miserable blindness their eyes may be open then, I do not pretend to say. But I went on board their ship to bear testimony against them if they deserved it, as I fully believed they would; to my great astonishment they did not deserve it, and my predispositions and tendencies must not affect me as an honest witness. I went over the *Amazon's* side, feeling it impossible to deny that, so far, some remarkable influence had produced a remarkable result, which better known influences have often missed."

In a footnote from the above our author adds:

"After this *Uncommercial Journal* was printed, I happened to mention the experience it describes to Mr. Monckton Milnes, M. P. That gentleman then showed me an article of his writing in *The Edinburgh Review* for January, 1862, which is highly remarkable for its philosophical and literary research concerning these Latter-day Saints. I find in it the following sentences: 'The Select Committee of the House of Commons on emigrant ships for 1854, summoned the Mormon agent and passenger broker before it, and came to the conclusion that no ships under the provisions of the 'Passengers Act' could be depended upon for comfort and security in the same degree as those under his [the Mormon agent's] administration. The Mormon ship is a family under strong and accepted discipline, with every provision for comfort, decorum, and internal peace.'"

## 6. THE PROPHETIC AND HISTORICAL CONNECTION OF NAPOLEON III. WITH "MORMONISM"

In the *Book of Mormon* is a prophecy that declares that the land of America is a land of promise; a land that shall be devoted to free institutions; "and there shall be no kings upon the land, who shall raise up unto the Gentiles; and I will fortify this land against all other nations; and he that fighteth against Zion [the land of America]<sup>31</sup> shall perish, saith God; for he that raiseth up a king against me shall perish; for I, the Lord, will be their king."<sup>32</sup>

31. See *Book of Mormon*, Ether, ch. ii; Nephi x. Also remarks of Joseph Smith, April conference, Nauvoo, 1844, *History of the Church*, Period I, vol. vi, ch. xiv.

32. *Book of Mormon*, II Nephi x:10-14.



The effort of Napoleon III. to found a monarchy in Mexico, 1862-1867, is historical. Believing that the war between the states would end in the dissolution of the American Union he judged the time opportune to set up a Latin empire which would counterpoise the Anglo Saxon republics in the western world; and he induced Archduke Maximilian, brother of the Austrian emperor, Francis Joseph, to accept the crown of the proposed new empire, Napoleon promising an army of twenty-five thousand French soldiers for the maintenance of the new government. The proposition was accepted, and Maximilian was proclaimed emperor of Mexico. This took place while the United States was engaged in its own Civil War. The government could make no protest against this flagrant violation of the Monroe Doctrine at the time, further than to refuse recognition to any authority in Mexico except that of the deposed president of the republic, Juarez. As soon as the Civil War ended, however, notice was served upon the emperor of the French that his soldiers must be withdrawn from Mexico, and he judged it expedient to comply with the demand, though it involved him in a dastardly desertion of Maximilian whose situation at once became precarious. The faithful consort of Maximilian, Carlotta, went from court to court of Europe, making a vain appeal for assistance for her husband, and denouncing Napoleon's desertion of him. In this effort to save her husband Carlotta's reason was overthrown, and so remained through more than sixty years. Through that time she lived in her hallucinations of being an empress, and did not die until the 19th of January, 1927, at Brussels, Belgium.<sup>33</sup>

Maximilian was deserted by the French emperor, and his army fell an easy victim to Juarez, the deposed president of the Mexican republic. Juarez captured Maximilian and had him shot as a usurper, June 19, 1867. "The French Empire," says Edwin A. Grosvenor, professor of modern history in Amherst College, never recovered from the shock of this Mexican failure.<sup>34</sup>

Napoleon III., in 1870, engaged in a war with Germany, in which he and France suffered the most humiliating defeat ever inflicted on a modern state or its ruler. Marshal Bazaine surrendered an army of 173,000 at Metz, without striking a blow. The emperor himself was captured at Sedan after three days of hopeless fighting, and another army of 104,000 men surrendered to the Germans. France lost her two Rhine provinces, Alsace and Lorraine, and was compelled to pay a war indemnity of \$1,000,000,000 within three years. The French people deposed the emperor and about two years later he died in exile at Chislehurst, England. The Empress Eugenie was also forced into exile and became the guest of England. On June 1st, 1879, the Prince Imperial of France, the only son of Louis Napoleon, was killed in South Africa in England's war with the Zulus. Thus perished Maximilian, the would-be-emperor of Mexico; thus more than perished his faithful but unfortunate consort, Carlotta; thus was Louis Napoleon, emperor of the French, hurled from the mightiest throne of

33. See *Deseret News* of January 19th, 1927.

34. *Contemporary History of the World*, 1899, p. 24.



Europe; thus he perished, and perished also his only son the Prince Imperial. The whole scheme of founding a monarchy in Mexico failed. Disaster fell upon all who were parties to it; the family of Napoleon III, was wiped out of existence. The land of America, from the time it became known to the Gentile races, is dedicated to free institutions—to the freedom of those who shall inhabit it, according to the *Book of Mormon*. “*And he that raiseth up a king against me shall perish, saith the Lord.*”<sup>35</sup>

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35. For further treatment of this theme and other prophecies of the *Book of Mormon*, see the Author's *New Witnesses for God*, vol. iii, chapter xii.

## CHAPTER CXXVI

### MISCELLANEOUS EVENTS, 1857-1865: SURVEY OF MISSIONS— IMMIGRATION OF THE SAINTS—END OF A ROMANTIC PERIOD

THE work in the South African Mission was also continued through this period—1857-1865; though for some time it was conducted by native elders.<sup>1</sup>

#### THE SOUTH AFRICAN MISSION

In December, 1861, Elder William Fotheringham and other missionaries from Utah arrived at Cape Town, and took charge of the mission. For about two years and a half they continued their labors, but the field was a difficult one and but little progress could be made. In April, 1864, Elders Fotheringham and Dixon left Africa, the first on the 5th, with a company of nine members on the ship *Echo*; and the two others on the 10th with a company of eighteen members, on the ship *Susan Pardew*, both vessels going direct to New York. The work in South Africa was left under the presidency of Miner G. Atwood, from Utah, who continued in the mission about one year, after the departure of his associates, when on the 12th of April, 1865, he left Port Elizabeth with a company of forty-seven members of the church in the brig *Mexicano*, for New York,<sup>2</sup> and the work in Africa was left for a number of years to the few remaining resident members of the church. A successful mission now, (1930) and for some years past has been maintained in South Africa.

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1. At a conference held at Port Elizabeth on July 11th, 1858, there were present 19 elders, 5 priests, 5 teachers, 2 deacons, and 212 members. (*Millennial Star*, vol. xx, p. 619).

2. Atwood continued with this company until they reached Salt Lake City. At Wyoming, Nebraska, he was placed in charge of a company of about four hundred souls and forty-five wagons, which he conducted to Utah. West of Fort Laramie the company was attacked by Indians, and an attempt made to drive off the stock. Seven of the brethren were wounded and a Mrs. Grundtvig was carried away by the savages and was never recovered. (See Atwood's dispatch to *Deseret News*, of Sept. 27th, 1865).

## THE AUSTRALIAN MISSION—NEW ZEALAND AND TASMANIA

The mission in Australia, New Zealand, and Tasmania, was also perpetuated through these troubled years of 1857-1865, and since then, and now, they are fruitful missions.<sup>3</sup>

## SOCIETY ISLANDS MISSION

The Society Islands Mission, which includes the Society, Tuamotu and the Austral Islands, the oldest of the New Dispensation missions in Polynesia—having been opened in 1844—was maintained by native elders and saints during the period here being considered, the Utah elders having been banished from the Islands, in 1852, by the French government. They did not return until 1892, so that for forty years memory and love of the work of the New Dispensation was fostered by the natives of those islands.<sup>4</sup>

## THE HAWAIIAN MISSION

The Hawaiian Mission continued through the period under consideration although for several years maintained and conducted by the native officers and members. Indeed from the time it was founded (1850), until the present (1930),<sup>5</sup> it has been a very prosperous mission, though it has passed through periods of depression and of peril, the most serious of all being one that occurred in the years 1861-1864, and this through the pride and folly of Walter M. Gibson, usually referred to in our annals as "Captain" Gibson.

## THE "CAPTAIN" GIBSON EPISODE

This man arrived in Utah in the fall of 1859, accompanied by his daughter, two sons and several other persons who had joined his party *en route* from the east. Some time after his arrival he had a number of interviews with President Young, in which he represented that the purpose of his visit to Utah was to induce the "Mormons" to move to New

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3. See Note 1 end of chapter.

4. See Note 2 end of chapter.

5. See Note 3 end of chapter.

Guinea—also called Papua—in the East Indies. He claimed a disinterested interest in the natives of New Guinea as he believed them to be descendants of the House of Israel, and that the settlement of the Latter-day Saints among them would result in their good. President Young advised Mr. Gibson to investigate the Latter-day work, the restored gospel of Jesus Christ, and if he became satisfied of its truth, the president would have him ordained an elder and send him and a few other elders to the natives of New Guinea, “and he could do them more good that way than in any other.”<sup>6</sup> It did not take the prepossessing stranger long to make up his mind respecting the truth of the New Dispensation, for in mid-January following—1860—he was baptized by Heber C. Kimball and confirmed the same day by President Young. During the summer of 1860 “Captain” Gibson went to the eastern states to attend to some necessary business, where also he preached his new faith and claimed to have “baptized some noted men;” interviewed in their own language the Japanese embassy, and was invited by them to visit Japan.<sup>7</sup>

In November of the same year he started for Japan on a mission, although his labors were not restricted to that land. “President Young blessed him,” this in a public meeting at the tabernacle, “and said he would go with a commission to all nations upon the earth, and he should go with his good will and blessing.”<sup>8</sup>

Arriving in the Hawaiian Islands at a time when other Utah elders were absent, he had a free hand in the unscrupulous impositions he practiced on the confiding natives. The laws at the time prohibiting the emigration of the natives from the Islands, a gathering place for those who accepted the gospel was established on the Island of Lanai where a native brother of the name of Haalelea owned a

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6. *History of Brigham Young, Ms.*, entry for Oct. 29th, 1859, p. 722.

7. *History of Brigham Young, Ms.*, entry for 4th Nov., 1860, p. 364; also p. 392.

8. *History of Brigham Young, Ms.*, entry for 18th Nov., 1860, p. 393.



considerable tract of land. The church also had purchased a tract of six thousand acres in the district of Palawai, for the use of the native church members.<sup>9</sup> Using his letters of commendation from the presidency of the church, usually given to missionaries, Gibson assumed the presidency of the Hawaiian Mission and resolved to purchase all the government land on the Island of Lanai. Not having means for this purpose, and despairing of obtaining it by free-will offering, he proceeded to organize a "church," without regard to union with the church whose presidency and headquarters were in Utah, though following its general lines of organization. He brought into existence a quorum of "twelve apostles," "high priests," "seventies," and "bishops." These offices he sold to the natives, charging according to the supposed grade of the office; "and even women received from his hands the honor of priestesses." He sent missionaries to other islands and gathered more natives to Lanai, where he exercised an absolute dominion over them, resulting in his own aggrandizement and enrichment, and in corresponding injustice and impoverishment of the natives. He required that the native saints turn over all their substance, including horses, sheep, goats, poultry, houses, and lands to the "church," which in this case was "Captain" Walter M. Gibson; and in addition they gave their time to the cultivation of the soil, "*receiving their food once a day from the hands of the head bishop, under the immediate direction of 'Captain' Gibson, one meal a day being all that was given them when food was scarce.*"<sup>10</sup>

In the latter part of December, 1863, some of the native

9. Benson's letter to Cannon, *Millennial Star*, vol. xxvi, p. 459.

10. Letter of Ezra T. Benson to George Q. Cannon, date of April 12th, 1864, *Millennial Star*, vol. xxvi, pp. 458, 459. In the *Honolulu Polynesian*, in 1862, was published a very flattering account—doubtless inspired by the "Captain" himself—of Gibson's achievements in community improvement industrially, morally, and in sanitary conditions, representing a complete and wonderful metamorphosis since Gibson had taken the Island in hand. In the narrative is an account of how, finding no suitable draft animals at the Lanai settlement, a few furrows were opened by hand, which furrows, however, from the narrative, seem to have been sufficient in number to produce 3,000 bushels of corn for sale. The article referred to was reproduced in the *Sacramento Union*, and was finally copied into the *Deseret News* of Dec. 10th, 1862.

brethren from Lanai, wrote letters to the church authorities at Salt Lake City detailing Gibson's proceedings and inquiring if what he was doing was right. In March, 1864, an apostolic delegation, consisting of Ezra T. Benson and Lorenzo Snow, of the council of the twelve, accompanied by Elders Joseph F. Smith, William W. Cluff, and A. L. Smith—the last three named having previously served as missionaries on the Islands—was sent to investigate Gibson's proceedings. On their arrival at Lanai, Gibson seemed more surprised than pleased with the coming of the delegation from Salt Lake City; and though they labored hard to convert him from his errors, he refused correction, and for that reason and for the protection of the native saints, he was excommunicated from the church at Lahaina, Island of Maui, on the 8th of April, 1864. Upon the return of the two apostles to Utah, Elder Joseph F. Smith was placed in charge of the mission as its president.

#### THE PRESIDENCY OF JOSEPH F. SMITH IN HAWAII

Elder Joseph F. Smith had rendered great service in settling the affairs of this mission. In his former mission to the islands (1854-1858) he had acquired a perfect knowledge of the language and spoke it with the fluency of a native. Being a man of unusual determination and strong against injustice he confronted Captain Gibson with great power, and exposed to the natives his fraudulent and unwarranted course. He also acted as interpreter for the apostles, and thus rendered more effective their labors in correcting Gibson's irregularities and their ministry among the natives.

An incident usually mentioned in connection with this apostolic mission to Hawaii is the drowning of Elder Lorenzo Snow in Lahaina Harbor, and his restoration to life by the ministration of the brethren. The accident occurred by the capsizing of a boat when trying to land while a heavy surf was running in the harbor. The captain of the vessel, Elders Benson, Snow, Cluff and A. L. Smith were all in the

boat when it capsized. Elder Joseph F. Smith had refused to accompany the other brethren in the effort to land, being convinced that it was a most dangerous undertaking. Natives from the shore, who witnessed the disaster, rescued the unfortunate men, but it was 20 minutes before Lorenzo Snow gave any signs of life after being taken from the water.<sup>11</sup>

When Elders Benson and Snow reported their action respecting Gibson to President Young, which they did in a public meeting in the "Old Tabernacle," at Salt Lake City, on the 29th of May, 1864, the president himself moved the ratification of their action by the congregation which was carried by unanimous vote.

President Young explained in taking this action that "the charge against Walter M. Gibson was not for owning property, or for claiming it, for no one cared how much he had, if he only did good with it; but the charge was his persistent refusal to be dictated by the priesthood, and on the motion of the president, the action of Elders Benson and Snow in cutting Gibson off from the church was sustained by the whole congregation."<sup>12</sup>

Gibson was a typical "soldier of fortune." He was "born of English parents in an American vessel near the coast of England, 16th of Jan, 1822." In early manhood he became acquainted with the Orient as represented above, although many representations of his exploits are to be taken with some reservation. He is described as being prepossessing in appearance, polite and affable in deportment, and interesting in conversation. After his excommunication from the church he was elected to the Hawaiian legislature from the district of Lanai, and while at the capital so ingratiated himself into the good will of King Kalakau that he was made premier minister of the kingdom and minister of finance. He possessed great influence over the king. Indeed it is sup-

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11. See Benson's letter to George Q. Cannon, *Millennial Star*, vol. xxvi, pp. 458-9.

12. *Deseret News* of June 1st, 1864.

posed that it was his efforts to enlarge the prerogatives and powers of the king, that led to the evasions of constitutional limitations, and attempts to overthrow constitutional government, to be accompanied by a return to heathenism, that led to the revolution of 1887, resulting in restricting the king's prerogatives and driving Gibson from the islands into exile. He was at first charged with defrauding the government in his office of minister of finance, but of this he was acquitted. It was believed, however, that he had incited the natives to revolt against the whites in favor of the king, and such was the state of popular sentiment on this point that the premier was glad to make his escape by flight. He arrived an exile in San Francisco on the 6th of August, 1887, broken in health; and a few months later, *viz.*, Jan. 21st, 1888, died of consumption.<sup>13</sup>

A few months after these stirring events in connection with the disposal of Gibson, Elder Francis A. Hammond, one of the early missionaries to the island, and acting as agent for the church, purchased the Laie plantation, about thirty-two miles from Honolulu, the capital of the islands. The tract of land purchase consisted of six thousand five hundred acres; and was bought of T. Dougherty. Ever since the purchase of the Laie plantation it has been the headquarters of the mission, and the home of many of the Hawaiian Latter-day Saints.

#### THE INDIAN TERRITORY MISSION

From 1855 to 1860 a mission was maintained in the Indian territory among the Cherokee, Creek, and Choctaw Indians. At the April conference in Salt Lake City, 1855, six elders, *viz.*, Henry W. Miller, Robert C. Petty, Washington N. Cook, William Richey and John A. Richards, were

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13. See editorial comment on Gibson's career, *Deseret News*, weekly, of Feb. 1st, 1888. Also article in *Deseret News* of June 1st, 1864, caustic in its tone. For his career among the Hawaiian branches of the church, see Benson's letter to George Q. Cannon, *Millennial Star*, vol. xxvi, pp. 458-60. Also letter of Joseph F. Smith, same volume, pp. 542-3.



called to this mission; and in the early part of the summer arrived upon the scene of their labors along the borders of the Indian territory, adjoining Arkansas. Two of the number were sent among the Delawares, but meeting with no success they rejoined the rest of their party in the Cherokee nation, at Spavinaw, a settlement on a small stream of the same name. Here they met a small company of brethren from Texas who had been associated with Lyman Wight and his operations in that state,<sup>14</sup> but becoming dissatisfied with him had started to go to the headquarters of the church in Utah. *En route* they had come in contact with some of the followers of James J. Strang<sup>15</sup> who had succeeded in persuading these Texas brethren that all was not right with the church in Utah; and therefore they had halted at Spavinaw where they were found by the missionaries from Utah as aforesaid. Elder Miller in charge of the Indian territory mission soon persuaded the brethren from Texas of the regularity of Brigham Young's leadership of the church, and the brethren to the number of forty or fifty continued their journey westward to Utah in 1856. In 1858 the remaining few of Lyman Wight's followers came from Texas to the same place, Spavinaw; and with them came also "Colonel" Wight's first wife, who had recently received a letter from Sidney Rigdon, bitterly denouncing the leading authorities of the church in Utah. With this second group from Lyman Wight's Texas following the elders from Utah, though they labored with them diligently, were not so successful as with the first.

The Utah brethren labored among the Cherokee Indians with some prospect of success at first. "Mormonism" being a "new thing" the people came in great numbers to hear it; many believed, and a few were baptized. So promising was the work that Elder Miller applied to the large branch of the church at St. Louis to send elders from there to assist

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14. See chapter lxxv, this *History*.

15. *Ibid.*

in the work; and in response to the call, Elders James Case, William Bricker, George Higginson, Wm. O. Tavell and Henry Eyring were called to the Indian Territory Mission. After the arrival of these brethren (except Tavell who forsook the mission *en route* to his field of labor), the brethren were divided into pairs and took up a labor among the Cherokee, the Creek, and the Choctaw Indians. The elders labored diligently, but sickness among them, the indifference of the natives, the unsettled status of the white population, combined to make their labors unfruitful. Elder Miller being released to return home in the fall of 1856, Washington N. Cook succeeded him in the presidency of the mission. Brother R. C. Petty's health had failed him in this fever and ague country, and he died February 1st, 1856. Elder Cook, after presiding in the mission about two years, "in which time," says the chronicle here followed, "he won the love and respect of saint and sinner," he died of quick consumption on the 4th of September, 1858.

Elder Henry Eyring succeeded him in the presidency of the mission, in which position he continued for about a year and a half, when the mission closed by reason of the brethren—excepting Elder Richards, who remained in the Indian territory on his own account—returning home in the latter part of May, 1860.

The labors of these brethren of the Indian Territory Mission resulted in a number of Lyman Wight's following being guided to the church in Utah, and put an end to their wandering. Four branches of the church were organized by them: one in the Creek nation, one known as the Princes' branch; two in the Cherokee nation, one known as Prior's Creek branch; the other, organized by Henry Eyring, known as the Lehi branch, a *Book of Mormon* name; another in the Creek nation, also organized by Elder Eyring, and known as the Nephi branch, another *Book of Mormon* name.

A number of the white population of these branches

emigrated to Utah from time to time breaking up some of the branches, and the time finally came when seemingly all the good that could be done for the present had been done among the natives, and the elders, as already stated, returned home. "In taking a retrospective view [of this mission] for five years," says Elder Henry Eyring, the mission's historian, "it is quite evident that the result of those toils, privations and hardships, and the sickness of all and the death of two elders connected with it, is but very small, *apparently*. But it is to be hoped that in after years, spontaneous fruits may spring up from the exertions of the servants of God among the seed of Jacob."<sup>16</sup>

ORSON PRATT AND ERASTUS SNOW'S MISSION TO THE  
EASTERN STATES

Another missionary movement of some importance during this period was the sending of Orson Pratt and Erastus Snow of the council of the apostles to the eastern states, to labor among the eastern branches of the church which for several years had been practically left to themselves. They left Utah in the latter part of September, 1860.<sup>17</sup> Arriving in the east they began a very active campaign and many of those who previously had a standing in the church, but had fallen away, were awakened to a sense of their position by the preaching of the elders. One of the potent factors in bringing the saints to an awakened interest in the faith was the impending fulfillment of the Prophet Joseph's prediction concerning the forthcoming war, and great preparations were being made for an exodus of the saints in the eastern states for the west.<sup>18</sup> As the war between the states grew more severe, however, and absorbed the entire interest of public

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16. Sketch of the mission to the Cherokee, Creek and Choctaw Indians, 1855-60, by Elder Henry Eyring, copied into *History of Brigham Young, Ms.*, 1860, pp. 270-78.

17. *Deseret News* of Oct. 3rd, 1860.

18. See reports from New York letters concerning the work of Elders Pratt and Snow summarized in the *History of Brigham Young, Ms.*, entry for April 6th, 1861, p. 146. See also letter of Orson Pratt to George Q. Cannon, date of May 24th, 1861, *Millennial Star*, vol. xxiii, p. 395.

thought and attention, President Young's mind was that all the elders in the United States should be called home "in consequence of the war now raging throughout the land."<sup>19</sup> These brethren were called home accordingly, returning in the fall of 1861. This put an end to missionary activity in the United States until some time after the close of the war.

#### A MISSION OPENED IN AUSTRIA

Subsequently, but within the period-scope of events treated in this chapter—Orson Pratt,<sup>20</sup> with Elder William W. Riter associated with him, endeavored to open a mission in Vienna, Austria. They arrived in the capital of the Austrian Empire about mid-January, 1865, and thereafter labored diligently for seven months in that land. "But in consequence of religious intolerance they were unable to open the door for the proclamation of the gospel in that country."<sup>21</sup> After returning to England both these Elders continued to labor for some time in the British Mission.

#### A CHANGE IN IMMIGRATION METHODS

Connected with this survey of the missionary activities of the church should be noted a change in the method of bringing the immigrating saints from the Missouri river westward over the plains. Up to this time the manner of procedure had been to have church agents purchase for the immigrating companies teams and wagons in the east, and thus made it necessary to drive the teams only from Missouri river points to Salt Lake valley. In the Spring of 1860,

19. *History of Brigham Young, Ms.*, entry for June 14th, 1861, p. 246.

20. Elder Orson Pratt had been called on this mission to Europe in April, 1864. He went *via* California and the Isthmus, New York, and so to England, where he arrived—having traveled 9,000 miles—on the 17th of July. He labored in the "British Mission for several months, preaching in great power," and finally, as stated in the text above, endeavored to introduce the gospel into Austria. His companion, Elder William W. Riter, had been laboring in the Swiss and German Mission for some time when called to accompany Elder Pratt to Austria.

21. *Answers to Questions*, George A. Smith, p. 36; also *Millennial Star*, vol. xxvi, *passim*.



however, an ox train of twenty-nine wagons under the command of Joseph W. Young, nephew of President Brigham Young, and the son of Lorenzo Dow Young, was sent east for merchandise, machinery, etc. The journey was made from Salt Lake valley to Florence, on the Missouri river, and back to Salt Lake City, the same season. The train arrived in the latter place on the return journey on the 3rd of October, with the cattle that had made the trip both ways in as good condition as some that had made the journey only from the states to the valley. The train was known as the "church train."<sup>22</sup> It was the first time the experiment had been made, and its success was big with suggestion.

In the latter part of February, 1861, a circular was issued by the presidency of the church to Bishop Edward Hunter informing him, and through him the bishops throughout the church, that in the ensuing season of immigration it had been determined that two hundred wagons with four yoke of cattle to the wagon should be sent from Salt Lake to the Missouri river to bring in the immigrating saints, as also such merchandise and machinery as could not be dispensed with, and asked the hearty cooperation of the bishops in carrying out this project. The success of the "church train" experiment of the previous year was pointed to as justifying the expectation that such a plan was practicable.

"We are rich in cattle," said the presidency's circular, "but do not abound in money, either at home or abroad; and we desire to so plan and operate as to use our small amount

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22. See *History of Brigham Young, Ms.*, entry for Oct. 3rd, 1860, p. 321; also *Deseret News* of Oct. 10th, same year. Elated at his success, and justly so, the Sunday following his arrival home, the captain of the "church train" delivered a brief discourse on what he called, "the science of ox-teamology," explaining the art of preserving cattle upon the plains and making them perform two trips across the plains in one season. (*History of Brigham Young, Ms.*, Oct. 6th, p. 327). Joseph W. Young had been identified with trans-plains and mountain immigration from 1847, when he made his first journey from Winter Quarters to Salt Lake valley. So prominent was he in this department of activities that he stands among the first of the plains' captains of those early days. Indeed he is spoken of by his only biographer—Tullidge—as having been for a long time, "the executive brain of the emigrations of his people." (*Life of Brigham Young, or Utah and Her Founders*, Supplement, p. 100, et seq.).

of money and large number of cattle in the best possible manner for accomplishing the best good." Hence this new trans-plains immigration scheme.

In addition to the four yoke of cattle to the wagon, the plan also included the sending as many loose oxen to Florence as the year's immigration that came independent of church aid might want to purchase for their outfit. Thus supplying for the people of Utah a market for their surplus cattle and saving in the hands of the church members, "from about ten thousand to thirty thousand dollars, which had hitherto been paid out yearly in cash for cattle and wagons." This was a small amount as monetary matters are now viewed in these days of "big business;" but in those days, and to a small, isolated community, marooned from the busy marts of the world's trade and commerce, it was an item of great importance. Moreover, the arrangement afforded the opportunity of shipping eastward such products as the community had to dispose of. These, of course, in the main, were the surplus cattle that could be driven down with the ox trains loose; and the provisions of flour and meat that could be sent for the use of the immigrants, and deposited along the line of travel to be picked up *en route* when returning. With the east-bound trains for the emigration of 1863, however, was sent 4,300 pounds of Utah-raised cotton for sale.<sup>23</sup> A good teamster, well supplied with provisions, bedding, etc., was to go with each wagon and team of four yoke of oxen, besides extra men as night herdsman. The ecclesiastical wards that fitted out these teamsters to go after the poor were to receive credit on their tithing for the supplies furnished. Very full instructions were given in the presidency's circular referred to, and nothing essential to security and efficiency of the trains was overlooked.<sup>24</sup>

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23. *Deseret News* of April 29th, 1863, also Jenson's *Church Chronology*, p. 69.

24. The circular *in extenso* will be found in *History of Brigham Young*, Ms entry for Feb. 28th, 1861, p. 93, *et seq.*

## IMMIGRATION UNDER THE NEW PLAN

The first season this new plan went into effect the four companies into which the two hundred church wagons were divided, left Salt Lake City between the 23rd and the 30th of April, carrying with them 150,000 lbs. flour,<sup>25</sup> and also other provisions for the immigration of that year.

In the second year under the new plan 262 wagons were sent east, with 293 men, 2,880 oxen, and 143,315 lbs. of flour. They were organized into six companies for convenience in traveling.<sup>26</sup> The third year 384 wagons were sent east, with 488 men, 3,604 oxen, taking 235,969 lbs. of flour. The 384 teams were divided into 10 companies.<sup>27</sup> In 1864, 170 wagons, 1,717 oxen, and 277 men, with a proportionate amount of provisions went east for the poor.<sup>28</sup> In 1865 no teams were sent from Utah for the immigration of the poor. The strenuous efforts of the three preceding years had exhausted the ability of the people to carry on this work for the present; and the saints in Europe were accordingly informed in due time that this assistance from the Missouri river westward could not be supplied. The saints were encouraged by letter from President Young, and also by editorial instruction through the *Millennial Star* that those having means to carry them either to New York, or on through to the usual Missouri river points should make the journey to those points; and those who had the means to make the journey through to Utah should by all means come. Two companies of through-bound immigrants made the journey under the leadership of Miner G. Atwood and Wm.

25. The captains of the four companies, respectively, were Joseph W. Young, Ira Eldredge, Joseph Horne, and John R. Murdock. (See letter of George A. Smith to John L. Smith of April 23rd, copied into *History of Brigham Young, Ms.*, 1861, pp. 163-5; and Jenson's *Chronology*, same year, p. 65).

26. Jenson's *Church Chronology*, p. 67. The captains were Horton D. Haight, Henry W. Miller, Homer Duncan, Joseph Horne, John R. Murdock and Ansel P. Harmon.

27. *Ibid.*, p. 69. The captains were John W. Wooley, John R. Murdock, Horton D. Haight, Peter Nebeker, William B. Preston, Thomas E. Ricks, Rosel Hyde, John F. Sanders, Samuel D. White and Daniel McArthur. Horace S. Eldredge acted as church emigration agent in the east that season.

28. Jenson's *Church Chronology*, p. 70, Introductory Statement for 1864.

S. Willis, respectively. The latter had to be met by a relief train some three hundred and fifty miles from Salt Lake valley.<sup>29</sup>

In 1866 the ox trains sent after the poor were ten in number; they had 10 captains, 456 teamsters, 49 guard men, mounted, 89 horses, 134 mules, 3,042 oxen, and 397 wagons; 62 additional wagons, 50 head of oxen and 61 mules were ordered to be purchased in the states.<sup>30</sup> A relief train under Arza E. Hinkley was sent out over the line of travel about 450 miles to take food supplies and afford additional help to some of the last companies *en route* that season who had suffered from Indian raids on their cattle.

In 1867 no ox trains were sent to the east for the poor, owing in great part to the growing seriousness of what was known as the Black Hawk Indian War, begun in 1865. The immigration of that year, 1867, numbered only about 500, and they were able to come by rail to North Platte, 391 miles west from Omaha, and thence the journey was made by independent ox teams.

The next year, 1868, an extraordinary effort was made by the church in Utah to immigrate the poor saints from Europe and more especially from Great Britain. For this purpose seventy thousand dollars in money was raised, to be expended in payment of fares; and in addition about five hundred teams were sent to the terminus of the Union Pacific railroad, which by this time had reached Laramie City in Wyoming, about four hundred and twenty miles from Salt Lake City. The five hundred teams were divided into ten companies with a captain to each;<sup>31</sup> the equipment, while as

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29. See *Millennial Star*, vol. xxvii, p. 40, *et seq*; also Jenson's *Church Chronology*, p. 74.

30. *Ibid*, p. 74. The train captains this year were Thomas E. Ricks, Samuel D. White, William Henry Chipman, John D. Holladay, Peter Nebeker, Daniel Thompson, Joseph S. Rawlins, Andrew H. Scott, Horton D. Haight and Andrew Lowery.

31. The captains this year were Edward T. Mumford, Joseph S. Rawlins, John G. Holman, Wm. S. Seeley, John R. Murdock, Daniel McArthur, John Gillespie, Horton D. Haight, Chester Loveland, and Simpson M. Molen. (Jenson's *Church Chronology*, p. 78).



complete as ever, was lessened in proportion to the shortened journey.

The immigration into Utah from Europe and the United States in 1868 was nearly 4,000 souls; and this was the last season it was necessary to send ox or mule trains eastward to help in the immigration, as on the 8th of March, of the ensuing year, the Union Pacific Railway had reached Ogden, Utah; and put an end to the remarkable system of emigrating the poor of the church membership by ox trains, which had developed to a very high standard of efficiency.

It should be understood that this system of immigration was undertaken by the church in behalf of the poor of its membership only, and did not represent the total immigration of the saints. Many of these, having sufficient means of their own, came independently of this movement, except that they generally traveled in the company of the "church trains" in order to have the advantage of the leaderships of their experienced captains and the security that came from traveling with them.

#### BENEVOLENT WORK OF THE CHURCH IMMIGRATION OF THE POOR

When the summary of the "Mormon" church's benevolent achievements shall be made, this great and brave work of bringing tens of thousands of the poor to the lands of the west—bringing the people that needed land, to the land that needed people, must not be overlooked.<sup>32</sup> In its passing, much that was romantic in Utah "Mormon" life also passed away. True such a method of traveling—"gathering to Zion," the saints called it—had toil and hardships and dangers attendant upon it. There was the weariness, to women and children especially, of the long, daily marches—for all must walk, except in case of sickness, the wagons being heavily loaded

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32. Undoubtedly thousands of people immigrated by means of the church ox team method, who never could have become land owners in their native countries, in a few years became the owners of their own homes, and of the lands they cultivated; and what is of even greater importance their posterity of the succeeding generation became in large part the land proprietor class of the intermountain west.

with baggage and precious freight. There was the heat of the blazing, summer's sun; the hot winds of the Nebraska plains; the mountain storms, and the chilly nights to which all were exposed. There was the danger of swollen streams, whether to be forded or ferried—which occasionally claimed their toll of victims.<sup>33</sup> There were sometimes night drives to make in order to reach desirable places of encampment, where there would be the necessary water and grass and fuel. There was night-guard duty as well as the toil and annoyances of each day's drive. There were sometimes scant food supplies, owing to some unlooked for delays in the journey. There was frequent sickness and occasional deaths to cast gloom over the marching companies. There were the lurking bands of savages, the constant fear and danger of their midday and midnight assaults; an occasional looted stage coach, with its murdered and scalped passengers; an occasional burned station with the half-charred and stripped and mutilated victims lying in the smoldering ruins to emphasize these fears and prove them not ungrounded. There were the reported misfortunes of trains in advance and trains in the rear; there were the occasional attacks upon their own train or cattle herds; and sometimes the savages, though waging unequal warfare, brought down their victims in the "Mormon" trains and made off with considerable booty.

#### ROMANCE

But all the days were not gloomy, and all the experiences were not sad, nor painfully adventurous. Traveling in large companies, in close proximity, captained by men of experience and judgment and courage—these reduced the discomforts of the journey and the dangers of the route through hostile Indian tribes to a minimum. These plains' captains were as

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33. For instance in this very last year of the ox train immigration "Niels Christoffersen and Peter Smith of Manti; Peter Nielson of Fairview; Christien and Christian Nebelah of Mount Pleasant and Thomas Yeates of Milville, all belonging to the 'church trains,' were drowned at Robinson's ferry on Green river by the capsizing of a ferry-boat." (*Jenson's Church Chronology*, 1868, p. 78).

fathers to their companies. The toiling teams straining the live-long day under the yoke in heat and dust, and then again in the mountain cold, were the objects of their solicitude; the health and safety of the volunteer teamsters— young men in the main—making the journey not for wages but for free service of fellow men, were carefully guarded; the immigrating poor appealed to them for both guidance and protection, and paid for these with their only currency— devoted obedience to the captains' orders. There were times when the fuel was plentiful and the campfires large and bright, and surrounded by merry groups, for youth was there in these trains, and sometimes beauty, and charm, and there was music and dancing. Despite the fears and cautions and warning of the elder folk, and strict camp regulations, love would have its way, and courtships were carried on in these traveling hosts, to be consummated in holy wedlock at the end of the journey. There was song service and prayers each day, sometimes in the subdivisions of the camp, sometimes by the whole camp in general assembly. The Christian Sabbath was usually observed and there were expositions of the gospel of the Christ, exhortations to righteousness, and to the daily performance of the plain duties *en march*, and in camp life.

All the characteristics of the earlier Pioneer companies that made the journey over these same plains and mountain highways to the Salt Lake valley, were characteristic of these later companies also. These were not ordinary immigrants. Charles Dickens, it will be remembered, said of one group of eight hundred of the English members of the church, starting from the London docks, that "in their degree they were the pick and flower of England." He confessed that he thought "it would be difficult to find eight hundred people together anywhere else and find so much beauty and so much strength and capacity for work, among them." He notes through the ship captain, too, the genius for organization which had

taken a great number of groups of people from widely separate sections of England and Wales, who had never seen one another before, and yet they had not been two hours on board before they had "established their own police, made their own regulations, set their own watches at the hatchways, and before nine o'clock [of the first night on board] the ship was as orderly and quiet as a man-of-war." What was said of that ship load of English and Welsh "Mormon" emigrants might be said of the "Mormon" emigration from Scandinavia, and other European countries. The same genius for organization and the establishment of order was manifested in the companies of these immigrants in their journey over the plains and the mountains.

Now that the railway had been pushed across the plains into Salt Lake valley, the toiling and moiling, the hardships and the dangers, attendant upon the ox train method of traveling were ended, and one may do no other than to rejoice at it, but with its displacement there went, as I have before said, much of the romance and the strange joy of "gathering to Zion;" much that made for the exercise of Christian virtues and the development of high character among the people.<sup>34</sup>

The same year that witnessed the ox train method of traveling overland pass away—1868—saw also the sailing vessel pass as a means of ocean travel so far as the great "Mormon" companies were concerned. The last of these companies, numbering four hundred and fifty-seven, British, Swiss, and German saints, came in the sailing ship *Constitution*, in charge of Elder Harvey Cluff, it was six weeks in transit. Thereafter the journey was made by steam packet,

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34. The author takes some coloring of this migration description from his own recollections of the journey from Liverpool to Salt Lake City, in 1866; the journey being made in the slow sailing vessel, *John Bright*, over six weeks in ocean transit; thence crossing the plains from the Missouri river by ox team train to Salt Lake City—the last year the entire journey was made in that fashion. It was attended with all the adventures incident to such a journey—successful Indian raids upon our cattle herds—burned mail stations with dead and scalped men 'mid their smoldering ruins as we came upon them—without bedding—shortness of food supplies, to the point of scanty rations—hunger, physical weakness because of it—the triumph of safe arrival, though the journey was made by walking all the way, and most of the weary distance barefoot, illy clothed—ten years of age.



and soon the ocean voyage was made in as many days as it had taken weeks in the sailing vessels.<sup>35</sup>

## NOTES

### 1. AUSTRALIAN, NEW ZEALAND AND TASMANIA MISSION

The above mission, which also includes some smaller islands, was opened in 1851 by John Murdock, who was the first president. He was succeeded in the presidency by the following elders: Charles W. Wandell, June 2, 1852; Augustus Farnham, April, 1853; Absalom P. Dowdle, May, 1856; Andrew J. Stewart, June 7, 1857; Thomas Ford, May 30, 1858; Wm. Broadbent, 1863; Robert Beauchamp, 1867; Wm. Geddes, 1874; Job Welling, October, 1875; Isaac Groo, July 29, 1876; Fred J. May and Thos A. Shreeve, August, 1878; Elijah F. Pearce, Dec. 25, 1878; George Batt, 1880; Wm. M. Bromley, Jan. 20, 1881; Wm. T. Stewart, July 17, 1883; Wm. Paxman, May 25, 1886; Angus T. Wright, Aug. 12, 1889; John S. Bingham, Oct. 6, 1890; Wm. T. Stewart (second term) Sept. 13, 1891; and William Gardner, Dec. 30, 1893. (Jenson's *Chronology*, p. 212).

In October, 1897, New Zealand was separated from Australia and Tasmania and became a separate mission. Since then the presidents of the Australian Mission have been Elders Andrew Smith, Jun., Jan. 1, 1898; Frederick E. Barker, May 23, 1898; George H. Islaub, Feb. 14, 1900; John B. Matthias, *pro tem*, June 6, 1900; Andrew Fjeld; James Duckworth; Wm. Armstrong; C. Alvin Orme, Dec. 6, 1908; Charles H. Hyde, Aug. 28, 1911; Wm. W. Taylor, Nov. 13, 1913; Don C. Rushton, July 16, 1914, to October 26, 1917; Arnold D. Miller, January 4, 1917, to December 16, 1920; Don C. Rushton, October 19, 1920, to September 21, 1924; Charles H. Hyde, June 6, 1924, to December 12, 1928; Clarence H. Tingey, October 11, 1928, still president, 1930.

The presidents of the New Zealand Mission since its separation from the Australian Mission, 1897, have been Ezra F. Richards, Jan., 1897; John Ephraim Magleby; Charles B. Bartlett; Louis G. Hoagland, Aug. 4, 1905; Rufus K. Hardy, May 14, 1907; George Bombs, May 12, 1909; Orson D. Romney, May 9, 1911; Wm. Gardner, November 5, 1913, to July 31, 1916; James N. Lambert, April 29, 1916, to July 3, 1920; George S. Taylor, November 4, 1920, to August 1, 1923; Angus T. Wright, July 10, 1923, to 1925; J. Howard Jenkins, August 16, 1925, to 1928; John E. Magleby, May 8, 1928, and now (1930) still president.

### 2. THE SOCIETY ISLANDS MISSION

"This mission, which includes the Society, the Tuamotu and the Austral Islands, and is the oldest Latter-day Saint mission in Polynesia,

35. The next load of "Mormon" emigrants, numbering 600, came in the steamship *Colorado*, and made the journey in two weeks, a steamship schedule which has been cut down by more than half the number of days in later years.

was opened in 1844. Noah Rogers was the first president. He was succeeded by Addison Pratt in July, 1845, and he in turn by Benjamin F. Grouard, in March, 1847. Addison Pratt, on his return from America, in 1850, presided a second time. After the banishment of the American elders by the French, in 1852, native elders kept up more or less missionary work for forty years. The mission was reopened by two elders from Zion, Joseph W. Damron and Wm. A. Seegmiller, in January, 1892, and Joseph W. Damron presided. He was succeeded by James L. Brown, in June, 1892, who was succeeded by Elder Damron in July, 1893; Frank Cutler succeeded Elder Damron as president, May 11, 1895. Frank Cutler, February 24, 1893, to October 27, 1896; Frank Cutler, July 30, 1907, to 1909 (poor health); William A. Seegmiller, 1909 to 1911; Franklin J. Fullmer, 1911 to 1914; Ernest C. Rossiter, February 16, 1915, to January 1, 1920; Leonidas H. Kennard, 1920 to 1922; Ole B. Peterson, 1922 to May, 1925; Alma G. Burton, May 12, 1926, to June 19, 1929; George William Burbidge, April 14, 1929, still president (1930). (Jenson's *Chronology*, p. 213).

### 3. THE HAWAIIAN MISSION

This interesting mission was founded in December, 1850, and its first president was Hiram Clark, who was succeeded by the following elders: Philip B. Lewis, Aug. 9, 1851; Silas Smith, July, 1855; Henry W. Bigler, *pro tem*, 1851; native elders, 1858; Walter M. Gibson (without proper appointment), 1861; Ezra T. Benson and Lorenzo Snow (in temporary charge for reorganization purposes), April, 1864; Joseph F. Smith, April, 1864; Alma L. Smith, Oct., 1864; Geo. Nebeker, July, 1865; Fred A. H. F. Mitchell, 1873; Alma L. Smith (second term), Feb. 2, 1875; Ward E. Pack, June 20, 1876; Simpson M. Molen, March 20, 1878; Harvey H. Cluff, July 8, 1879; Edward Partridge, July 31, 1882; Enoch Farr, March 14, 1885; Wm. King, May 11, 1887; Ward E. Pack (second term), May 9, 1890; and Mathew Noall, Jan. 5, 1892. Samuel E. Woolley November 4, 1895, to July 1, 1919; Elias Wesley Smith, June 15, 1919, to May, 1923; Eugene J. Neff, February 3, 1923, to June 8, 1926; William M. Waddoups, July 4, 1928, and is still president (1930). (Jenson's *Chronology*, p. 210).

## CHAPTER CXXVII

MISCELLANEOUS EVENTS, 1857-65: SETTLEMENT EXPANSION—  
UTAH'S DIXIELAND: BEAR LAKE VALLEY SETTLEMENTS

THERE were two notable colony extensions by the Latter-day Saints during the period here considered: namely, the founding of settlements in the valley of the Rio Virgin, in the southwest corner of Utah, 1861-2; and also in the Bear Lake valley, in the northeast corner of Utah, and in the southeast corner of the then new territory of Idaho, 1863-4.

### SETTLEMENTS OF THE RIO VIRGIN VALLEY

The movement of settlers to the Rio Virgin valley was made with a view to strengthening the settlements already in existence on the Santa Clara river and Rio Virgin; also to diversify the industries of the community, and provide more largely from their own productions the community's needs. "It is expected," said President Young, concerning those who were being called upon this mission, "that the brethren will become permanent settlers in the southern region, and that they will cheerfully contribute their efforts to supply the territory with cotton, sugar, grapes, tobacco, figs, almonds, olive oil, and such other articles as the Lord has given us the places for garden spots in the south to produce."<sup>1</sup>

Among the needs of the people none was more urgent than cotton fabrics; and as the valley of the Rio Virgin, climate and soil, seemed to be adapted to the raising of cotton, the movement to strengthen the settlements in "Utah's Dixie" was made, and was sometimes referred to as the "Cotton Mission." Doubtless also in the breaking out of the war

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1. Brigham Young's letter to Orson Hyde, Oct. 13th, 1861, on the "Cotton Mission," copied into *History of Brigham Young, Ms.*, 1861, pp. 440-1. In this movement of settlers to the south, Orson Hyde is requested to select 30 or 40 families for the "Cotton Mission." "John Taylor was directed to call 50 families to go on the 'Cotton Mission.'" (*History of Brigham Young, Ms.*, entry 13th Oct. 1861, p. 438).

between the states the church leaders in Utah foresaw the possible destruction of the cotton industry in the United States, for some years at least, and hence an additional reason for inaugurating cotton production in southern Utah for local consumption.

President Young with a large company of leading brethren and sisters, among whom were Daniel H. Wells, George A. Smith, John Taylor, Wilford Woodruff, A. O. Smoot, mayor of Salt Lake City, presiding bishop of the church, Edward Hunter, Albert Carrington, and others, made a visit to the southern settlements in May and June, 1861.<sup>2</sup> The journey extended to the Santa Clara settlement on the Santa Clara river, to Tonaquint at the mouth of the Clara; thence *via* Washington, the shire town of Washington county—the organization of which was provided for by the Utah legislature in 1852<sup>3</sup>—to Toquerville, on Ash Creek, and to the smaller settlements in the upper Rio Virgin valley; thence to Cedar City, *via* Fort Harmony. The party returned to Salt Lake on the 8th of June.<sup>4</sup> It was this visit that led to the determination to enlarge the settlements of the south for the purpose, in the main, of raising cotton.

The settlement of the Rio Virgin valley began in 1854. Jacob Hamblin, Rufus Allen and others, who had previously been engaged as missionaries among the Indians of this southern region, in the year above named, built a few log houses on the Santa Clara, about nine miles above its junction with the Rio Virgin, which they afterwards surrounded by a stone wall nine feet high, two feet thick, and one hundred and twenty feet square, to which they gave the name "Santa Clara Fort."

Three years later, *viz.*, 1857, a settlement on the Rio Virgin, fourteen miles southeasterly from Santa Clara Fort,

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2. "Our company consisted of 48 men, 14 women, 2 children, 23 carriages, 21 horses, 42 mules." (*Woodruff's Journal*, entry for 15th of May, 1861).

3. See *Acts of Legislative Assembly of the Territory*, 1852, p. 164.

4. See entries of *Woodruff's Journal* between dates of 15th of May and 8th of June, 1861. Also *History of Brigham Young, Ms.*, for same period.



was founded and called Washington. The purpose in founding Washington was to raise cotton. The people settling here were chiefly from Texas and other southern states. But the character of the country was new to them, and its desolate appearance wrought in fantastic, volcanic formations—the product of violent cataclysms as well as of rapid erosions in very recent geological times—looked both formidable and forbidding. The added burden of irrigation in cultivating the soil, to which these people from the southern states were not accustomed—all these things tended to dishearten them and to render them “homesick.” Not more than a score of the first one hundred settlers of Washington remained in the southern country; and owing to the use of bad seed—brought from Texas, and several years old—unskilful irrigation, and general dissatisfaction with the country, led to repeated failures in the experiments of raising cotton.<sup>5</sup> However, a little was raised each year. Improvement in quality was noted—the seed appeared to become “acclimated,” and gave encouragement to the enterprise.<sup>6</sup> Meantime peach-stones and grape cuttings from California were planted, and thrived beyond all expectation. The people also began to find that they were in the midst of extensive ranges that could be utilized the year round for raising stock. “Many of the early settlers,” wrote George A. Smith, in October, 1861, “who have remained there [i. e. at the Washington and other southern settlements], are acquiring considerable herds of cattle, goats, and sheep, which they keep at the Mountain Meadows and other places found along the rim of the Great Basin, and other grassy places within forty miles of their settlements.”<sup>7</sup>

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5. “Many southern men who had been cotton raisers declared that cotton never could be raised there, and that it was only a hoax to think of it.” (George A. Smith’s *History of the Settling of Southern Utah*, copied into the *History of Brigham Young*, Ms., 1861, pp. 452-7).

6. *Ibid*, p. 455.

7. *History of Brigham Young* Ms., p. 456. Later they found more extensive stock ranges, and especially for the winter season, south and east of the Rio Virgin;

## TOQUERVILLE

In the spring of 1858 a settlement was made by Joshua I. Willis on Ash Creek, an indirect tributary of the Rio Virgin, afterwards called Toquerville.<sup>8</sup> The soil here was not so fertile as in other "Dixie" settlements, but the climate was more healthful and the settlement was permanent. The year following—1859—settlements were made in the Upper Virgin valley by Nephi and Sixtus Johnson, and others. A high plateau pressed southward to the bank of Rio Virgin above the joined mouth of Ash and La Verkin Creeks, while almost on the opposite bank there ranges up from the south another plateau known as Hurricane Cliffs. Eastward of the narrow pass thus formed for the Rio Virgin, is the Upper Virgin valley, to reach which the Johnsons and their associates had to pass through canons and over mountains hitherto thought to be impassable. The climate proved to be healthful, the soil exceptionally fertile—"almost to an excess"—said George A. Smith, and prosperity attended these settlements from the first.<sup>9</sup>

Such the conditions in the southern settlements when

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and this industry, stock raising, has been the principal source of wealth to the people of that part of Utah, the markets being, as yet, too remote, and too difficult to reach from their rugged, broken country, to admit of any extensive shipment of their matchless fruits and vegetables to advantage.

8. "Toquer," in the Indian language of the region, signifies "black," and was the name of an industrious Indian chief who was found here when the first "Mormon" explorers traveled through this country. "From him this place derived its name." (Correspondent of the *Deseret News* from "Dixie"—J. V. Long, with President Young's party, vol. xii, 1862, p.108). From the same correspondent we learn that the Rio Virgin was called "*Pah Roosh*," by the Indians. (*Ibid*). This doubtless is the "*Parrusi*" of the Catholic Fathers, the name of a people inhabiting a region that is undoubtedly the Rio Virgin valley, according to the diary of Fathers Dominguez and Escalante. Describing the people in the vicinity they say: "From here we went down the river, and on the banks of either side were large settlements peopled, as we supposed, by these Indians, who planted the corn and squashes, and who, in their own language are called '*Parrusi*.'" (See the Journal of Father Escalante, published *in extenso* in *The Catholic Church in Utah*, p. 202, cf. p. 254). What is known as the old Spanish trail, an early route between Santa Fe and Los Angeles, passed through the Rio Virgin valley; it was, of course, the passing of the Spaniards through this region, which gave the evidently Catholic names to the streams—*Santa Clara*, *Rio Virgin*, *La Verkin*, etc.

9. The data for the foregoing account of the Rio Virgin settlements, up to 1861, is from George A. Smith's *History of the Settling of Southern Utah*, dictated in the Church Historian's Office, to J. V. Long, transcribed and copied into *History of Brigham Young, Ms.*, entry for Oct. 17th, 1861, pp. 452-7.

President Young inaugurated the movement to strengthen them, and make successful the raising of cotton in "Utah's Dixie." Between two and three hundred families were called to go upon this mission in 1861. Elders Orson Pratt and Erastus Snow were appointed to take charge of the mission;<sup>10</sup> and such men as Horace Eldredge, Jacob Gates, Henry Harriman, Nicholas Groesbeck, Angus M. and David H. Cannon, James G. Bleak, Anthony Ivins, Nathaniel V. Jones, Henry W. Naisbitt, Claudius V. Spencer, *et al*, were called to the mission and "are expected to become," said President Young, "permanent citizens of the Sunny South."<sup>11</sup> Those called in 1861, amounting in all to 309 men,<sup>12</sup> were among the most prosperous and enterprising people of the community. Besides this a company of between fifty and sixty immigrants from Switzerland, who arrived in Salt Lake City in October, under the charge of Elder Daniel Bonnelly were continued right on in a body to the Rio Virgin valley where they were finally settled in the vicinity of Santa Clara Fort, their settlement becoming the Santa Clara of today.<sup>13</sup> Their knowledge of grape culture was the reason for locating them in the south.

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10. Letter of Brigham Young to Orson Hyde on the "Cotton Mission," Oct. 13th, 1861, copied into *History of Brigham Young, Ms.*, pp. 440-1.

11. *Ibid.* He suggested that the new settlers for the south should include a number of "mechanics, coopers, blacksmiths, carpenters, masons, plasterers, joiners," (*Ibid.*). To these were added "millwrights," with "musicians and singers and farmers to make the settlements thereby efficient." (Letter of George A. Smith to Jacob Hamblin, *Ibid.*, p. 451). "Brothers Pratt and Snow, in partnership, will take out a carding machine, threshing machine, and a sugar mill. Brother W. H. Branch and A. M. Harriman, it is expected, will put up a sawmill somewhere on the Rio Virgin." (*Ibid.*).

12. This list of the entire mission will be found in Bleak's *History of Utah's Dixie, Ms.*

13. The new "Clara Ward" was organized on the 22nd of Dec., 1861. (*History of Utah's Dixie, Ms.*, Jas. G. Bleak, p. 99). The Swiss company of immigrants were conveyed to the Santa Clara in fourteen wagons, six of which were provided by the church at Salt Lake City. They excited much curiosity and interest as they passed through the southern settlements "by their singing and good cheer." In all, that season's immigration into the Rio Virgin valley, required more than four hundred wagons to convey it from the northern settlements. (See letter of George A. Smith to John L. Smith, date of Dec. 5th, 1861. *History of Brigham Young, Ms.*, of same date, pp. 519-21). Up to the advent of this 1861 immigration, after more than five years of effort at settlement in "Utah's Dixie," there were but 79 families located there, distributed as follows: Washington, 20 families; Santa Clara Fort, 20; Toquerville, 10; Virgin City, 11; Grafton and Adventure, 6 each; Gunlock, 4; Harrisburg, 2. (Jas. G. Bleak's *History of Utah's Dixie, Ms.*, p. 85).

## PROPHECY OF PRESIDENT BRIGHAM YOUNG

On the arrival of the main body of the "Cotton Mission" on Ash Creek in the vicinity of Toquerville, a question arose as to whether they should settle in the upper or lower valley of the Rio Virgin. The report of the unhealthfulness of the lower Rio Virgin valley settlements reached them, and the question of location was seriously debated, with the result that the company divided, some going into the upper valley, and others, the majority, into the lower one.

On the occasion of President Young's visit to the Rio Virgin valley in May, 1861, he had stood at the little settlement of Tonaquint and looked northward up a gently sloping valley between two and three miles in extent from the banks of the Rio Virgin. The valley is formed by "the projecting ridges of two spurs of the Pine valley mountains, opening and expanding toward the river, skirting it on the south." Waving his hand to include this valley in the scope of his remark, the great Pioneer said: "There will yet be built between those volcanic ridges a city with spires, towers, and steeples, with homes containing many inhabitants."<sup>14</sup> The head of that valley, the place indicated by President Young, is where St. George now stands, with its beautiful white temple, with church steeples as well as the temple tower, its substantial and creditable school and other public buildings, and around which are grouped "homes containing many inhabitants."

## SELECTION OF THE SITE OF ST. GEORGE

Near this site a large number of the 1861 immigrants to the Rio Virgin valley assembled on the 4th of December to discuss the founding of the city which they were sent into this region to build. Several weeks had been spent in careful exploration, and now they were met here to decide the matter. Erastus Snow himself moved that a city be built, and that it

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14. Bleak's *History of Utah's Dixie*, p. 75.



be called St. George.<sup>15</sup> This motion carried, and a committee was appointed to locate the city in the valley to which they had assembled.

The committee appointed to determine the exact location of the city did not report until the 12th of January, 1862. It then reported the location chosen to be at the head of the little valley already described, "near the upper gap leading to the Santa Clara settlement, on as high ground as could be watered by the springs on the slope"<sup>16</sup>—literally between "those volcanic ridges" of President Young's prediction.

The first building to be erected on the chosen site was a stone schoolhouse, twenty-one feet by forty, for which three thousand dollars was subscribed. The glass, nails, paint and some other things could not be obtained short of California, and these necessary things were shipped from there, a distance of about seven hundred miles the round trip, and through a desert land.<sup>17</sup>

The building of the city thus begun, work went on rapidly, together with the construction of the necessary dams in the streams and the cutting of irrigating canals and lateral ditches for irrigation. This work was undertaken notwithstanding the new settlers early in January witnessed the destructive power of one of those sudden floods to which the

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15. This was not the origin of the name, however, since the name for the new city had been determined upon even before many of the immigrants of 1861 left Salt Lake City. A petition was drawn up to be sent to Washington, asking that the new city to be founded be provided with a post office. When the petition was submitted to President Young for approval, Elder George A. Smith asked President Young to name the city. "He told Elder Smith he would name it if he would be satisfied; and he [George A. Smith] said he would be. The president then named it. 'St. George.'" (*History of Brigham Young, Ms.*, entry of 28th Oct., 1861, p. 469). The city was named for George A. Smith, of course.

16. The city "is not large in extent," wrote Erastus Snow, here and above quoted, "and is laid out in blocks thirty-two rods square, containing each eight lots. There are thirty-six blocks and fractional blocks, one of which is a public square, and in all two hundred and fifty-six lots—eight by sixteen rods in extent—three of which are reserved for school purposes." (Letter to George A. Smith, date of Feb. 10th, 1862, copied into *History of Brigham Young, Ms.*, 1862, p. 332).

17. When the time came for laying the corner stones of this building, March 22nd, 1862, the above dimensions were enlarged to 26 by 46 feet, "having a basement story under the platform 12 by 22 feet, and an upper room for purposes of prayer. The cost of the building by the time it was completed was more than six thousand dollars, or double the amount first subscribed. It was named "St. George Hall." (Bleak's *Utah's Dixie, Ms.*, pp. 73-4).

Santa Clara and the Río Virgin are subject. This flood undid much of the work of the earlier settlers. The Pioneer dam in the Santa Clara river was torn out, and much of the farming lands both along the Santa Clara and the bottom land along the Río Virgin were washed away. Some good however, accrued from this disaster. The former narrow and somewhat regular channels of both streams were torn and widened. "In the opinion of many of the old settlers," says a government report, "the flow of both streams as well as of some of the other tributaries was permanently increased by the opening of springs theretofore closed."<sup>18</sup> Irrigation has been an extremely costly factor to the settlers in the Río Virgin and Santa Clara valleys; and the amount of land it has been possible to bring under cultivation has been and must continue to be very limited.

"In the first four years and eight months after St. George was founded \$26,611.59 was spent in repairing and replacing dams and sections of the ditch, which had thus far watered 420 acres, making a tax of over \$63 per acre for water alone. In 1864 the water tax per acre was \$10.88 in 1865, \$12; in 1866, \$9; and in 1867, \$9. But for the fact that these taxes were largely paid in labor it *would have been impossible for the settlers to meet them.* \* \* \* Nor did these severe conditions give way to better conditions at once. For a number of years after 1867 the annual water tax in the Virgin field, to which the first ditch led, was \$13 per acre. It was found practically impossible to build a dam in the river that would withstand even the more moderate floods. Rocks and piles sank in the quicksand of the river until hope of building a permanent dam was almost given up. On January 12, 1876, fourteen years after the little band pitched their tents in Virgin valley, the official returns made to the board of directors of the Virgin field showed that there were then 34 miles of community canals and ditches on the Virgin river and Santa Clara Creek, which had cost \$55,993; that there were 74 miles of private ditches, which had cost \$5,820; that the cost of repairing dams and ditches had been \$18,150, and that the total cost for irrigation works had been \$79,963. \* \* \* These figures but partially tell of the burden that had to be borne in settling the new southern wilderness. The cost of living was excessively high. Common labor cost \$3 per day. Flour cost from \$15 to \$25 per hundred pounds. The price of sugar was \$1 per pound; of molasses, \$4 per gallon; of common cotton domestic, \$1

18. *Report of Irrigation Investigations in Utah*, directed by Elwood Mead. p. 211. For a description of the flood see *Deseret News* of Feb. 12th, 1862.

per yard; of coal oil, \$8 per gallon. One hundred dollars a thousand feet was paid for lumber 50 and 75 miles away. A sheep for a pound of tea was a common bargain. Provisions of all kinds were freighted by mule teams from San Bernardino or Los Angeles, Cal., at 16 cents a pound. Traffic in these commodities was practically all by barter, for cash was seldom if ever in circulation. Nor was there other than a local basis for values. Prices of produce to pay for work on dams and ditches were determined in mass meetings of the owners of the land watered. Prices of produce for taxes were fixed by the county court, and it is not uncommon to find entries in the county court records such as that made December 7, 1863, which states that "it was decided that molasses, at \$1.75 per gallon, be paid R. L. Loyd for 72 pounds of cotton, which is hereby appropriated to pay for the probate and county court seals."<sup>19</sup>

Still the people persevered in the mission to which they were appointed.<sup>20</sup> St. George had so advanced that it was divided into four ecclesiastical wards during the two days' conference held there on the 22nd and 23rd of March, 1862, and at which Elder Orson Pratt, assisted by Erastus Snow—constituting the presidency of the mission—presided.

Elder Pratt, who at first settled in the Upper Virgin valley, at what is now Rockville, had in the meantime moved to St. George, in order to better cooperate with his associate in the presidency of the mission. The four bishops of the respective wards of St. George were Robert Gardner, who was accorded a primacy among other bishops, and was made the "presiding bishop in the city of St. George, having charge of all the tithing business of the city," and at the same time acting as local bishop of the fourth ward. Ute Perkins was bishop of the first ward; Wm. Fawcett was bishop of the second ward; which being thinly inhabited was attached to the first ward, and its bishop made first counselor in the bishopric

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19. *Government Report of Irrigation Investigation*, conducted by Elwood Mead, pp. 211-212.

20. "The destruction caused by it [the then recent flood]," said Erastus Snow in a letter to George A. Smith—Feb. 10th, 1862—"was very extensive, but the industry and perseverance of the people will soon repair and restore what was lost or damaged. They are apparently not discouraged, but feel first rate, and those who went there of late are well pleased with the country and of the prospects before them." (*History of Brigham Young, Ms.*, p. 333).

of the first ward. Daniel A. Mc Arthur was made bishop of the third ward.<sup>21</sup>

The legislature of 1862 granted a charter for a city government,<sup>22</sup> and in 1863, St. George became the county seat of Washington county; and later the headquarters of the St. George stake of Zion, and one of the four temple cities of Utah. It is the metropolis of the settlements along the Rio Virgin, and the Santa Clara and their tributaries, which now, having in mind the whole region south of the rim of the basin, number thirty towns and villages. Of late years the growth of the southern settlements in the valley of the Rio Virgin, especially in the upper valleys, has been such that the St. George stake was divided early in December, 1929, and the settlements in the upper valley organized into the Zion Park stake.

#### CREATION OF KANE COUNTY IN HONOR OF COLONEL THOMAS L. KANE

Washington county when organized in 1852 occupied all the territory in which these "south-of-the-rim" settlements were formed, from the Nevada to the Colorado line.<sup>23</sup> But in January, 1856, by act of the Utah legislature, "all that portion of Washington county lying east of a line passing through the largest mineral spring at the mouth of the Rio Virgin canon, until it reaches the summit of the dividing ridge between La Verkin and Ash Creeks, thence northeasterly to the Iron county line" was detached, and organized as Kane county, named in honor of General Thomas L. Kane, with Grafton as the county seat.<sup>24</sup> Subsequently, viz., 1860, the portion of Kane county east of the Colorado river was included in San Juan county, then organized. There were also some changes afterward in the county line between

21. See Minutes of the Conference in *History of Brigham Young, Ms.*, entries for March 22nd, 1862, pp. 405-10.

22. By act approved Jan. 17th. See *Utah Acts of the Legislature*, edition of 1866, pp. 166-7.

23. *Acts of the Utah Legislature*, 1852, p. 164.

24. For Act of the Legislature see *Deseret News* of March 9th, 1864.



Washington and Kane counties by which the west line was moved some distance eastward.

#### SEEKING OCEAN CONNECTION FOR UTAH

Another consideration which led to the founding of these settlements south of the rim of the Great Basin was to make them a connecting link between Utah settlements in the north and what was regarded as the "head of navigation on the Colorado river." From the beginning of the settlement of the Salt Lake valley, President Young, it will be remembered, had manifested a desire for direct connection between the Salt Lake valley settlements and the coast. To insure this, as we have seen, the boundaries of the provisional "State of Deseret" were made to include a strip of the coast line of what is now southern California; the design being to connect that stretch of coast and Salt Lake valley by a line of settlements, within easy stages of each other, along which line the immigration to Salt Lake valley could pass from the coast with more of ease and safety than across the plains from the Missouri frontiers. Having met with disappointment as to a stretch of coast line for the "State of Deseret" or Utah, he still expected to found the line of "Mormon" settlements from southern Utah to the coast, and as a beginning to this end gave his consent to the purchase of the San Bernardino ranch by Amasa M. Lyman and Charles C. Rich. That plan having been broken up by the necessity of concentrating all the "Mormon" strength in Utah to meet the issues arising from the "Buchanan Blunder" in sending an army to Utah, the next step in this effort to get connection through a line of "Mormon" settlements with the coast was by way of these Rio Virgin valley settlements, by extending them to the "head of navigation on the Colorado river." Accordingly, late in the year 1864, Anson Call, the founder of Fillmore, was sent to a point on the Colorado river about 125 miles southwesterly from St. George, to select a site for a church warehouse and station, afterwards known as "Call's Land-

ing."<sup>25</sup> This would have placed Salt Lake valley within about four hundred and fifty miles of a waterway to the sea. There could be no doubt as to the practicability of this route for freight and immigration. There was in existence at the time The Colorado Navigation Company, which had plied steamers up the river for some distance for years; but for some time previous to the founding of Call's Landing had been hindering rather than developing the traffic on the river in the hope of getting large government appropriations to remove alleged obstructions near the head of navigation on the stream. Finally a new company, known as the "Union Line" after bitter opposition from the old company and other powerful influences in San Francisco, was organized, and demonstrated that the Colorado was "navigable with vessels carrying one hundred and twenty-five tons for six hundred miles from its mouth, at all seasons of the year;" that is, from its mouth to Call's Landing, and that without the need of removing any alleged obstructions. In fact the steamer *Esmeralda*, Captain Trueworthy, in 1865, brought one hundred tons of goods and lumber for parties at Call's Landing to within twenty miles of that place, passing the alleged obstructions without difficulty, and the river at its lowest stage.<sup>26</sup> The reason for not going the remaining twenty miles to Call's Landing was not because of impassable barriers in the river, but because that by the time of the arrival of the vessel within twenty miles of the landing the parties in charge of the steamer learned that the work upon the church warehouse was suspended, and the parties building it had

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25. Letter of Anson Call to Horace S. Eldredge, president of the Deseret Mercantile Association, dated at Vegas Springs, thirty miles from Call's Landing, copied into *History of Brigham Young*, entries for Jan., 1865, pp. 21-4. "Call's Landing" is referred to in Major Powell's Report of his explorations of the Colorado as "Callsville;" also in *Encyclopedia Britannica*. Art. Colorado.

26. Letter in *Salt Lake Daily Telegraph*, 24th March, 1865; copied into *History of Brigham Young, Ms.*, above date, p. 151. "At the mouth of this river (the Colorado) ships of the largest tonnage can find a good and safe harbor," says the chronicle here quoted, "where there is, at the present time, a new store ship, the *Victoria*, of seven hundred tons burthen, ready to receive and discharge freight." (*Ibid*, pp. 153-4-5).

returned to Salt Lake City.<sup>27</sup> The warehouse, however, was completed, and there was the shipment of some goods from that point, though at first there were some disappointments, and dissatisfaction among the Salt Lake merchants who patronized the route.<sup>28</sup> Two steamships, the *Esmeralda* and *Nina Tilden* made the trip somewhat regularly from the mouth of the Colorado to Call's Landing, connecting with other steamships plying between the mouth of the Colorado and San Francisco. The owners of the river boats carried a standing advertisement in the *Salt Lake Telegraph*, thus seeking trade, up to December 1st, 1866.<sup>29</sup>

Doubtless the certainty of the early completion of the transcontinental railroad from the Missouri river to the Pacific Ocean, stopped the development of this southwest route for immigration and freight *via* Utah's southern settlements and the Colorado river.

#### THE MUDDY MISSION

The building of Call's Landing on the Colorado, led to what is known as the "Muddy Mission," in 1865. This was the establishment of three settlements on the lower tributary of the Rio Virgin called Muddy Creek. The settlement was made by people from Utah under the presidency of Thomas S. Smith, and others who followed somewhat later. Early in January a settlement was made at the mouth of the Muddy, and called St. Thomas, distant from the junction of the Rio Virgin with the Colorado about twenty-five miles, and from St. George about seventy miles. Two other settlements were made near the upper end of the valley, *viz*, Overton and St. Joseph, distant from St. Thomas eight

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27. The captain of the steamer *Esmeralda*, Thomas C. Trueworthy, made a visit to Salt Lake City, in March, 1865, and the *Daily Telegraph* "announced that he was prepared to enter into arrangements for bringing freight from the mouth of the river (Colorado) to this place [Salt Lake City]. The distance by land carriage from Callsville is about three hundred and ninety miles, over a good, natural road, over which goods can be handled at all seasons." (*History of Brigham Young, Ms.*, 1865, p. 157).

28. See editorial in the *Salt Lake Telegraph* of 27th November, 1865.

29. See *Salt Lake Daily Telegraph* of that date.

and ten miles respectively.<sup>30</sup> Ditches were made and irrigation carried on for several years, but through dissatisfaction of the settlers caused by the unusually hard conditions of settlement, and the uncertainty as to whether the Muddy valley was part of Nevada or part of Utah, (in the event of the settlements being in Nevada the taxation would be excessive) the enterprise was abandoned early in 1871, and the settlements founded left to lapse into ruins. Some years later, however, the work of settlement was renewed and the little valley now has three towns, though the name "St. Joseph" was changed first to "Logan," and later to "Moapa." The names of the other settlements of the first mission period survive, St. Thomas and Overton.<sup>31</sup>

#### SETTLEMENTS IN THE NORTH, UTAH AND IDAHO

The settlement of Bear Lake valley was in marked contrast with the settlement of the Rio Virgin valley, and more quietly and gradually accomplished. In the Rio Virgin valley was a semi-tropical climate, a sandy soil, streams all but uncontrollable and of shifting channels. In Bear Lake there was a well-nigh semi-arctic climate, both early and late frosts to render uncertain the planting and maturing of crops. But there was a placid, beautiful, mountain-rimmed lake, of great depth, fed by numerous local mountain streams and the overflow of Bear river; and rivaling in beauty some of the noted highland lakes of Scotland and of Switzerland.<sup>32</sup> There was a broad valley, a rich soil, extensive stock ranges, and an abundance of timber. This valley was explored by Charles C. Rich, of the council of the twelve

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30. All now in Lincoln county, Nevada.

31. See Elwood Mead's *Government Report on Irrigation in Utah*, p. 213.

32. "Bear Lake, on the northern boundary line [i. e. of Utah] is a beautiful azure sheet of water, twenty-five miles long and six wide. The rugged mountains on the eastern side of the lake are magnificent, and look the very counterpart of the towering peaks of Savoy that environ the blue waters of the Lake of Geneva. No tourist in Europe ever gazed upon a prettier mountain country than that of northern Utah, between Bear Lake and the Pacific railroad." (Stenhouse in *Rocky Mountain Saints*, p. 672).



apostles, in the fall of 1863, and upon his favorable report it was decided to establish settlements there. This work was begun early in 1864, the settlements being formed on the west side of the lake, Paris and St. Charles, the latter being named after the Pioneer in charge of the movement, Charles C. Rich. From these two settlements, by extension, others up and down the lake shore were founded, until the valley became well occupied.<sup>33</sup> From these Bear Lake settlements others were gradually extended both into Wyoming and into other parts of southeastern Idaho. In time other settlements of Utah learned of the wonderful stock raising and agricultural opportunities in western Wyoming and in the Snake river valley in Idaho, until now (1930), there is a large Latter-day Saint population in Wyoming; and a much larger one in the state of Idaho. The Utah legislature in January, 1864, gave the Utah Bear Lake region a county organization under the title of Richland county. It comprised all that part of Cache county lying east of the summit of the range of mountains dividing the waters of Cache valley from Bear Lake valley.<sup>34</sup> Its northern limits for some time, were not very definitely known. It was supposed that St. Charles was within the boundaries of Utah, for a time that place was the county seat of Richland county. In 1868 the Utah legislature changed the name from Richland to Rich county,<sup>35</sup> and the town of Randolph, on the Bear river, became the county seat. Rich county was also named in honor of Charles C. Rich.<sup>36</sup>

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33. The Utah-Idaho line passes east and west about midway of the lake, being the 42nd degree of north latitude. The other principal settlements of the Bear Lake valley, besides Paris and St. Charles, are, in Idaho: Fishhaven, Bloomington, Liberty, Bern, Sharon, the present considerable railroad town of Montpelier, Georgetown, Bennington, Wardboro, Dingle. In Utah: Garden City and Lake Town. The Bear Lake valley opens into a stretch of the beautiful Bear river valley on the north.

34. See Act of Legislature in *Deseret News* of March 9th, 1864.

35. *Acts of Legislature*, 1868, p. 1.

36. Charles C. Rich, one of Utah's most prominent Pioneers, was worthy of these honors—that a city and a county should be named for him. (A biographical note of Elder Rich will be found in chapter xxxv of this *History*, footnote 44. See also Jensen's *L. D. S. Biographical Encyclopedia*, 1901, p. 103).

## CHAPTER CXXVIII

MISCELLANEOUS EVENTS, 1857-65: HISTORIC BUILDINGS—RISE OF THE "REORGANIZED CHURCH"—NOTABLE DEATHS—BLESSED DAYS

WITHIN this period two buildings that have become world-famed were erected, the Salt Lake Theater and the "New" or "Big" Tabernacle. The former was begun on the 1st of July, 1861, and completed, at least for temporary use, on March 5th, 1862.<sup>1</sup> The day following it was dedicated, at which Presidents Brigham Young, H. C. Kimball, Daniel H. Wells, and Elder John Taylor officiated. President Young in closing his remarks said, "that the plan of the building was designed by Brother William H. Folsom, and presented to him, and he accepted it,<sup>2</sup> Whatever credit it [the building] suggested, it was due there," that is to Mr. Folsom.<sup>3</sup> The theater was opened by dramatic performances on the 8th of March, 1862, the plays being rendered by the "Deseret Dramatic Association," whose gen-

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1. "It stands on the corner of State and First South streets facing south. It is 80 by 144 feet, and is 40 feet high from the water-table to the square of the building. The roof is self-supporting and 'hipped' all round, with a promenade on top 40 by 90 feet. The entrance on the south has an opening of 32 by 20 feet deep, supported by two Grecian Doric columns. The exterior of the building is Grecian Doric. The auditory had parquette and four circles—60 feet on the outer circle and 37 feet on the inner, and covered with circular dome or in bell form. In the interior, the stage has an opening at drop curtain of 62 feet deep front by 28 feet high, shows 27 feet on flats and 62 feet deep from foot lights—10 feet proscenium, and 40 feet high from stage floor to ceiling." Such was the description of the theater at the time it was completed, given by the architect, Mr. Folsom. (Copied into *History of Brigham Young, Ms.*, 1862, p. 414). The structure was a close duplicate outside and in of the famous Dury Lane Theater in London, England. The Salt Lake Theater was taken down in 1929, that the choice site might be ultimately occupied by a business block.

2. *History of Brigham Young, Ms.*, 1862, p. 372.

3. *Deseret News* of March 12th, 1862, where the dedicatory services are given in detail. Mr. Samuel Bowles, editor of the *Springfield* (Mass.) *Republican*, having visited the Salt Lake Theater in company with Schuyler Colfax, at the time speaker of the United States house of representatives (1865), and later vice president of the United States, thus wrote of it in his book *Across the Continent—1866*: "The building is itself a rare triumph of art and enterprise. No eastern city of one hundred thousand inhabitants—remember Salt Lake City has less than twenty thousand—possesses so fine a theatrical structure. It ranks, alike in capacity and elegance of structure and finish, along with the opera houses and academies of music of Boston, New York, Philadelphia, Chicago, and Cincinnati." (Page 103).

eral manager was Hiram B. Clawson, and the stage manager John T. Caine—afterwards Utah's delegate to congress. The plays presented were the "Pride of the Market," and "State Secrets."<sup>4</sup> From that time until demolished, the Salt Lake Theater had been in almost uninterrupted commission. It was greatly beloved by all the people of Salt Lake City and of Utah, both on account of its historical associations, the credit it had brought to the community, and as the premier playhouse of the city; and it was equally beloved and praised by all the prominent actors of our country, and many from England who gave performances in it.

So much is here said in respect of this "temple of amusement," because its ownership by the earthly head of the church, Brigham Young, and the patronage and favor shown to it by other church leaders, represents a departure from orthodox Christian policy which has been several times noted in these pages, namely, the permission by the Church of the Latter-day Saints of wholesome recreation and amusement—recognizing such recreations as a great human need. That such enjoyment of recreation was not intended to go beyond the limits of innocence and wholesomeness, in connection with the Salt Lake Theater, may be gathered from the services attending upon its dedication. "And wilt thou, O Lord, preserve forever this house pure and holy for the habitation of thy people," said Daniel H. Wells in his dedicatory prayer. "Suffer no evil or wicked influences to predominate or prevail within these walls," he continued; "neither disorder, drunkenness, debauchery or licentiousness of any sort or kind, but rather than this, sooner than it should pass into the hands or control of the wicked, the ungodly, let it utterly perish and crumble to atoms; let it be as though it had not been, an utter waste, each and every part returning unto its native

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4. Whitney's *History of Utah*, vol. ii, pp. 32-35. "During the theater's first season," says Mr. Whitney, "home talent held the boards exclusively, but after that there began to arise upon its horizon dramatic stars from abroad; some of them of the first magnitude. Among the earliest stellar attractions may be mentioned the stately tragedian, Thomas A. Lyne, the versatile Irwins, the polished Pauncefort, and the magnificent Julia Dean Hayne."

elements; but may order, virtue, cleanliness, sobriety, and every excellence retain and hold fast possession herein, and the righteous control and possess it, and '*holiness unto the Lord*' forever be inscribed therein."<sup>5</sup> How far the prayer of dedication was realized we may not know, but it has passed away, and has become "as though it had not been."

In the synopsis given of President Young's speech, on the same occasion, he is represented as having said:

"Brother Wells had prayed that the building might crumble to the dust and pass away as if it had never been, sooner than it should fall into the hands of the wicked or be corrupted and polluted; and to that he said amen. \* \* \* Every pure enjoyment was from heaven and was for the saints, and when they came together with pure spirits and with faith that they could pray for the actors and actresses, they would be benefited and refreshed in their entertainments; and those on the stage should ever be as humble and just as if they were on missions preaching the gospel. No impure thoughts should be inspired there, nor no impure words expressed. Truth and virtue must abound and characterize every person engaged on that stage, or they should be immediately ejected from the building. No person—be he actor, musician, employee or any other person—would be permitted to bring liquor into that edifice, and the police would protect them from the inebriate and the contamination of the filthy breath of the poor loafer."<sup>6</sup>

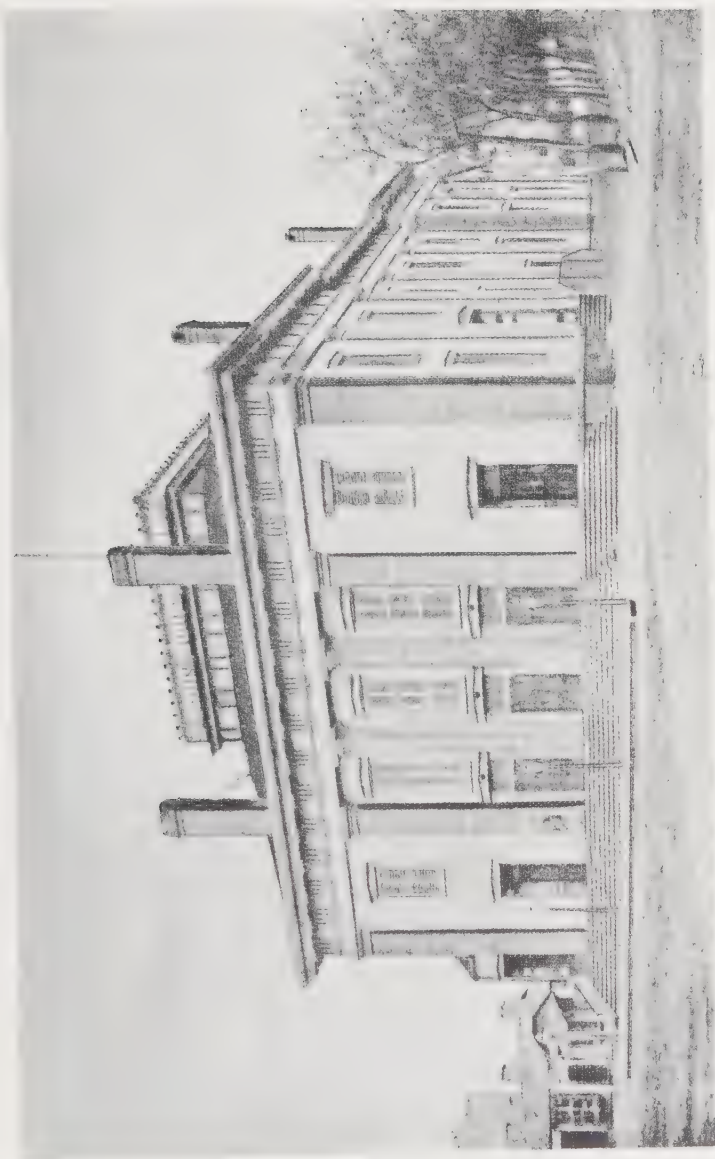
The other building, the "New" or "Big" Tabernacle, now simply "The Tabernacle," because the descriptive terms used to distinguish it from the tabernacle which preceded it are no longer necessary, the former building not now existing—was begun in 1864, and completed by October, 1867. Though it may not be regarded as a handsome structure it is a unique one, and worthy of notice here since the fame of it has gone out into all the world, through reports of it by thousands of tourists who visit it annually. The following may be said to be an official description:

"The tabernacle is an immense auditorium, elliptic in shape, and seats 8,000 people. It is 250 feet long by 150 feet wide, and 80 feet in height. The self-supporting, wooden roof, is a remarkable work of engineering. It rests upon pillars or buttresses of red sandstone

5. *Deseret News*, March 12th, 1862.

6. *Ibid.*





### THE SALT LAKE THEATER

Built by Brigham Young 1861-2. The most noted  
Play House of the West



which stand 10 to 12 feet apart in the whole circumference of the building. The pillars support wooden arches, 10 feet in thickness and spanning 150 feet. These arches of a lattice-truss construction, are put together with wooden pins, there being no nails or iron of any kind used in the frame work. The building was erected from 1865 to 1867. This being before the railroad reached Utah, all the imported material used in the construction had to be hauled with ox teams from the Missouri river. It was for this reason that wooden pins were used in place of heavy nails. The roof now has a metallic covering, which a few years ago replaced the wooden shingles. The original cost of this building was about \$300,000, exclusive of the cost of the organ."<sup>7</sup>

This unique structure was so far completed by October, 1867, that the semi-annual conference was then held in it. But the present ample gallery extending five-eighths of the way round the building was not put in until three years later—April, 1870; and the building was not formally dedicated as a place of worship until the October conference of 1875, Elder John Taylor offering the dedicatory prayer.<sup>8</sup>

In the west end of the tabernacle is the "great organ," equally as famous and more talked about than the tabernacle itself. It was built originally by Utah mechanics under the direction of Joseph H. Ridges and almost entirely of Utah materials. It was completed by Mr. Ridges in 1869, though a number of changes have since been made. The following is the description of the organ published by the Temple Bureau of Information:

"The front towers have an altitude of 48 feet, and the dimensions of the organ are 30x33 feet; it has 110 stops and accessories, and contains a total of over 5,000 pipes, ranging in length from one-fourth inch to 32 feet. It comprises five complete organs—solo, swell, great, choir and pedal; in other words, four keyboards in addition to the pedals. It is capable of thousands upon thousands of tonal varieties. The different varieties of tone embodied in this noble instrument represent the instruments of an orchestra, military band, and choir, as well as the deep and sonorous stops for which the organ is famed. There is no color, shade or tint of tone that cannot be produced upon it. The [present] action is the Kimball duplex pneumatic. The

7. *Utah, Its People, etc.*, published by Temple Block Bureau of Information, p. 15.

8. See *Deseret News*, Oct. 9th, 1875. The dedicatory prayer is published *verbatim* in the *News* of the 20th of Oct., same year.

organ is blown by a 10 horse power electric motor, and two gangs of feeders furnish 5,000 cubic feet of air a minute when it is being played full."<sup>9</sup>

Another item of interest in the matter of public buildings during this period is the fact that in the summer of 1862 the foundation of the Salt Lake temple, owing to some defect in its structure, was taken out and relaid.<sup>10</sup> Considering the fact that the foundation was 16 feet deep, and 16 feet broad; and that the building is 186 ½ feet by 99 feet—this was no small undertaking; and nine years had been occupied in laying it. President Young said he expected this temple to stand through the millennium, and the brethren would go in and give the endowments to the people during that time; "and this," he added, "is the reason why I am having the foundation of the temple taken up." President Young also said on that occasion: "I do not want to quite finish this temple, for there will not be any temple finished until the one is finished in Jackson county, Missouri, pointed out by Joseph Smith." President Young also said: "Right west of the temple, in a line between the north and south gates, we shall build a tower and put a bell on it. We shall build it as high as we please. Then west of the tower we will build a tabernacle to hold some 15,000 people. The tower will stand so as to have a road each side of it, one between the tower and the temple, and one between the tower and the tabernacle. This plan was shown to me in a vision when I first came onto the ground"—meaning the Temple Square where these remarks were made.<sup>11</sup>

#### MISSION OF "THE REORGANIZED CHURCH" IN UTAH

The factions that arose soon after the martyrdom of

9. *Utah, Its People, etc.*, printed by Bureau of Information, pp. 28-29-30. Mr. Ridges, the builder of the organ, lived to a great age, lacking only one month of 88 years. He died on the 7th of March, 1914.

10. The stones "were not laid solid, but were laid on chinky, small stones," said President Young, who very severely reproved the superintendent, A. H. Raleigh, for this defective work. (See *Wilford Woodruff's Journal*, entry date of June 1st, 1862).

11. See *History of Brigham Young, Ms.*, 1862, pp. 779-80; also *Woodruff's Journal*, date of Aug. 23rd, 1862. Also this *History*, chapter lxxxii, footnote 26, for account of locating the temple site.



the first Prophet of the New Dispensation, Joseph Smith, have already been noted. Another, and still existing (1930), took its rise at Amboy, Illinois, April 6th, 1860. This movement which culminated on this date by accepting Joseph Smith, the son of the first Prophet and president of the church, as the president of a "Reorganized Church" of "Latter-day Saints," had its origin among such characters as William Smith, the reprobate brother of the first Prophet and president; William Marks, the deposed president of the Nauvoo stake of Zion; Jason W. Briggs, a disciple and follower of William Smith; and Zenas H. Gurley, a disciple and follower of James J. Strang. These men accepted the principle of "lenial descent" applied to the presidency of the church, as taught by William Smith, by which it was held that the oldest son of Joseph Smith, the first Prophet, should by right of lineage succeed to the presidency of the church. During the years from 1850 to 1853 this subject was agitated in meetings and conferences appointed by these men in Wisconsin, Illinois, and Michigan. Finally, in April, 1853, something of an organization was effected under the authority of a "revelation," alleged to have been received through one H. H. Deam, on the 20th of March previous. Seven "apostles"—a majority of an intended "twelve"—were "ordained."<sup>12</sup> It was also voted that a "stake of Zion" be organized in the town of Argyle, LaFayette county, Wisconsin.<sup>13</sup> A number of "seventies" were also "ordained."

In 1856, the "Reorganized Church" sent to the predicted head of it, Joseph Smith, son of the first Prophet of the church, the word of the Lord, urging him to come and take his place. The document was signed by J. W. Briggs, "representative president of the church and the priesthood in Zarahemla." Messrs. Briggs and Gurley were appointed a committee to present this message to Mr. Smith, which they

12. The men selected were Zenas H. ("Father") Gurley, Henry H. Deam, Jason W. Briggs, Daniel B. Razy, John Cunningham, George White, and Reuben Newkirk.

13. William Cline, Cyrus Newkirk, and Isaac Butterfield, constituted the presidency.

did at the latter's home near Nauvoo. According to Mr. Smith's own account of this visit, these messengers did not meet with a cordial reception; and when Mr. Briggs vehemently urged the matter upon him, and "announced the culmination of the message in tones of thunder, and almost dictatorially" urged him to accept the message and do as directed therein, or reject it at his peril, Joseph Smith says he met this "vehemence indignantly, and almost turned these messengers out of doors."<sup>14</sup>

Here the matter rested until 1859, when Joseph Smith, who, according to his *Autobiography*, had failed as a store-keeper, railroad contractor, in the study of law, in farming, and while making but a precarious living by labor and from his fees as justice of the peace, was confronted with the question of his connection with his "father's work," and in the winter of 1859, resolved to put himself in communication with the "Reorganized Church."<sup>15</sup> Mr. Smith accordingly wrote to Mr. William Marks, informing him that he was "soon going to take his father's place at the head of the Mormon church," and requested him and others that he considered nearest to him, to come to Nauvoo and confer with him. Soon after this, Mr. Marks, one Israel L. Rogers, and William W. Blair, all interested in the "Reorganized Church" movement, visited the prospective leader at Nauvoo. It was finally decided that Mr. Smith and his mother should attend the ensuing April conference, called to assemble at Amboy, Lee county, Illinois, and the matter of Joseph Smith's presidency of the church was to be laid before the conference and a decision arrived at: "For," said Elder Marks, "we have had enough of man-made prophets, and we don't want any more of that sort. If God has called you, we want to know it. If he has, the church is ready to sustain you; if not, we want nothing to do with you."<sup>16</sup>

14. *Life of Joseph the Prophet*, Tullidge, "Josephite" edition, p. 767.

15. For the above facts see Smith's *Autobiography* in Tullidge's *Life of Joseph*, "Josephite" edition, pp. 743-773.

16. Tullidge's *Life of Joseph*, "Josephite" edition, p. 774.

Messrs. Marks, Rogers, and Blair, in 1860, seem not to have been as urgent as Messrs. Briggs and Gurley had been, in 1856; the latter had commanded him to take the presidency of the church, or refuse to do so at his peril; the former merely agreed "to see about it" by presenting the matter to the conference of the church. Mr. Smith affects to have been made indignant at the urgency of Messrs. Briggs and Gurley, in 1856; the coldness and independence of Messrs. Marks, Rogers, and Blair must have been a still greater source of annoyance.

Mr. Smith went to the conference at Amboy, and in the afternoon of the 6th of April, 1860, delivered an address, at the conclusion of which it was moved that he be received as a "prophet,"—the successor of his father. The motion was carried by a unanimous vote; after which Mr. Gurley, who, assisted by William Marks, presided at the conference, arose and said "Brother Joseph, I present this church to you, in the name of Jesus Christ." And, of course, Mr. Smith accepted it. The number in attendance at the Amboy conference was, according to Mr. Smith himself, one hundred and fifty; and the entire organization at that time (1860) numbered but three hundred.<sup>17</sup>

Following Mr. Smith's acceptance of the church at the hands of Mr. Gurley, he was ordained to the office of "president of the high priesthood and president of the church," by William Marks, Zenos H. Gurley, Samuel Powers, and W. W. Blair. Mr. Marks was president of the Nauvoo stake of Zion at the death of the prophet, afterwards deposed, and the other three gentlemen were "apostles" in the "Reorganized Church."<sup>18</sup>

Such in brief is the history of the organization of what

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17. Plaintiff's Abstract of Evidence in the Jackson county Temple Lot Suit, p. 39; also *Succession in the Presidency of the Church*, Roberts, second edition, p. 76.

18. *The Successor* ("Josephite" pamphlet), pp. 10, 11; also *The Saints Herald*, vol. xxxix, No. 24, p. 375. The history above given is condensed from "Josephite" sources. They have written the annals which this writer has merely condensed into the statement of the text.

is generally called the "Josephite Church," to its founders, however, the "Re-organized Church of Jesus Christ of Latter-day Saints."

The head of the new organization claimed his authority as president of the "Reorganized Church," (1), by virtue of lineal descent, holding that the office of president of the high priesthood, carrying with it the presidency of the whole church, descends from father to son; and, (2), by virtue of an alleged ordination to the office of "president of the church," and successor of his father, the first Prophet of the New Dispensation.

Of these claims it is sufficient to say, first, that the office of president of the high priesthood is nowhere, in the revelations given in the New Dispensation of the gospel, or in ancient scripture, declared to descend from father to son by lineage. Only two offices in the church descend by lineage, these are the office of patriarch<sup>19</sup> and the office of bishop.<sup>20</sup> The fact that these two offices of the priesthood are named, and are the only ones named as being intended to pass by lineage from father to son, excludes the idea of any other offices in the church descending by lineage. Second, the claim of Mr. Smith to ordination by the first Prophet, to be his successor in the presidency of the church rests upon no clear statement of fact. Of it Mr. Smith himself seems to have no clear or definite conception, and the whole fact and theory of the claim rests upon very confusing and very questionable authority.<sup>21</sup>

19. *Doctrine and Covenants*, sec. cvii:39-40.

20. *Ibid.*, sec. lxxviii:14-21. No man has a legal right to the office of bishop, to hold the keys of this priesthood, except he be a literal descendant and the first born of Aaron. "But as a high priest of the Melchizedek priesthood has authority to officiate in all the lesser offices, he may officiate [as bishop] when no literal descendant of Aaron can be found."

21. The question of both these claims, lineal descent, and Joseph Smith's rights by virtue of an ordination when a boy, by his father, are considered in great detail in this writer's work on *Succession in the Presidency of the Church*, second edition, 1900, subdivision vi, pp. 50 to 87; and subdivision vii, pp. 88-96. The right and authority of the twelve apostles to exercise the functions of presidency of the church at the passing of the president of the church for any cause, until the first presidency is reorganized; also the regularity and legality of Brigham Young's succession to the presidency is maintained in the above work. Other works on this subject will be



President Young, when he heard of the organization effected, by Joseph Smith and his associates, said: "It would attract the attention of the people and the statesmen, and lead them to think that it might be the overthrow of Utah, and would perhaps cause the statesmen to slacken their efforts to put 'Mormonism' down."<sup>22</sup> Strangely enough, as we shall see later, the "reorganization" movement at least attracted the attention of some leading statesmen and they hoped that it would have the effect of breaking down the power of Brigham Young and Utah "Mormonism." Later, when George Q. Cannon was giving an account to President Young of the "new organization under Joseph Smith, the son of the Prophet, President Young said that the 'boys' had thereby got into a canoe and put to sea, and that there would be a chance to pick them up some time."<sup>23</sup>

#### DEATH OF ARAPEEN AND PETEETNEET

Two noted Utah Indian chiefs died during this period, Arapeen and Peteetneet. Arapeen died on the 4th of December, 1860; about sixty miles south of Manti, while returning from a visit to the Navajo people in New Mexico. He will be remembered as the brother of Chief Walker, and his successor in the chieftainship of the Ute Indians. He was a member of the church and had been ordained to the priesthood. It was he who said that the words of President Brigham Young were good; "they entered his ears, sank into his heart, and stayed there;" while the words of Mr. Forney who succeeded President Young in the Indian agency was mere "bawling, it would go in at one ear and out at the other." He accompanied President Young on his trip to Limhi on the Salmon river in the spring—April and May—of 1857.<sup>24</sup> Later he submitted his war plans against the "Mericans," as we

found in *Priesthood and Presidency; Claims of the "Josephite" or "Reorganized Church," Examined and Compared with Reason and Revelation*, by Charles W. Penrose, 1898; and in *Origin of the Reorganized Church, and the Question of Succession*, by Elder Joseph Fielding Smith, 1909.

22. *History of Brigham Young, Ms.*, entry for May 18th, 1860, p. 134. The above remark was made in the Historian's Office to Elder Wilford Woodruff.

23. *History of Brigham Young, Ms.*, entry for 15th Aug., 1860, p. 260.

24. *Church Chronology*, Jensen, April 24th, 1857, p. 58.

have seen, to Brigham Young who counseled peace, which counsel, Chief Arapeen followed. "He died with good feelings towards the whites in this part of the territory [i. e. San Pete county and the southern part of the territory generally] for their hospitality to him and his people," said the *Deseret News* correspondent in giving the account of his death.

He requested that no person should be killed at the time of his death. His tribe, however, could not entirely abandon the custom of their race, and while no member of the chief's family or tribe was killed to accompany him in his journey into the "spirit land," yet four of his horses and five head of his cattle were killed for that purpose. His brother, Sanpitch, succeeded in the chieftainship of the tribe and expressed his desire "to be at peace with all."<sup>25</sup>

About a year later, viz., 23rd of December, 1861, Petetneet, a local Indian chief, ranging mainly about Utah Lake valley, died near Fort Crittenden. In his case no cattle or horses were killed, but by the chief's express orders his wife was killed. She was brained with an ax, a squaw being the executioner. The chief was buried, after the local manner of Indian sepulture, on the mountain side and his wife in the valley below him.<sup>26</sup>

#### NOTABLE BATTALION AND PIONEER DEATHS

Other noted deaths of the period were James Brown, Captain of Company "C" of the Mormon Battalion; and David Pettegrew, also of the Mormon Battalion, Company "E." The former purchased the Goodyear claim at the mouth of Weber canon, where the city of Ogden was founded. It will be remembered that the place for some years was called "Brownsville." The worthy Pioneer died at Ogden on September 30th, 1863. David Pettegrew, it will be recalled, was "Father Pettegrew," the "patriarch" of the Mormon Battalion

25. George Snow's report of Arapeen's death, *Deseret News*, Dec. 19th, 1860. Chief Sanpitch of the San Pete Utes must not be confounded with the chief of the same name among the northern tribes, and who was present at the battle with Connor's forces on Bear river.

26. *Deseret News* of Jan. 1st, 1862.

in its march to the Pacific, to whom the members of that command so often turned in their trials for sympathy and advice; nor did they ever fail to receive them. He died on the 30th of December, 1863, at Salt Lake City.

Within this period two of the original members of the first council of the twelve apostles of the New Dispensation died. These were Thomas B. Marsh and Luke S. Johnson. Thomas B. Marsh was the president of the council at the time of its organization in 1835. For apostasy he was excommunicated at Quincy, Illinois, in 1839. He returned a penitent and was received into the church by renewal of his covenants by baptism, in 1857, at Florence,—Winter Quarters—Nebraska. The same year he crossed the plains to Utah. He acknowledged his faults and expressed a desire to live with the Latter-day Saints. His health was broken, his mental faculties impaired; he lived in obscurity and died at Ogden City in January, 1866.<sup>27</sup>

Luke S. Johnson also lost his standing in the council of the apostles. He was excommunicated at Far West, Missouri, in 1838. He never became bitter in his spirit, however, and in 1846, at Nauvoo, was received again into the church upon a renewal of his covenants by baptism. He was one of the original band of Pioneers that entered Salt Lake valley. In 1858 he settled at St. John, in Tooele county, and was ordained a bishop to preside over that settlement. "Since his return to the church he has lived up to the truth to the best of his ability," says the entry which records his death in the *History of Brigham Young, Ms.*, "and he died in the faith." His death occurred on the 9th of December, 1861.<sup>28</sup>

The last several years of the period, whose miscellaneous events have been considered in this and the preceding chapter,

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27. In the Ogden cemetery on an elevated point of ground stands the modest stone which marks his grave, bearing the following inscription: "*Thomas B. Marsh, First President of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints. Born at Acton, Massachusetts, Nov. 1, 1799. Died January, 1866. Erected by his friends, July 17, 1893.*"

28. *History of Brigham Young, Ms.*, 1861, pp. 521-522.

notwithstanding some annoyances, was a time of marked prosperity and development for the Latter-day Saints in Utah. There were periods of crop shortage, especially in 1859-60, by grasshoppers, and by drought and frost in 1864;<sup>29</sup> but the people were now scattered over so large an area of country that if there was partial destruction of their crops in some valleys, others escaped wholly or in part, and the appearance of the ravagers no longer had the terror for the people they once inspired.

There was a somewhat regular and large immigration of converts both from the European countries and from the war-torn states of the east and the south, which brought to the community a sense of growth, in addition to the natural increase from the birth rate. The years were filled with halcyon

29. "The havoc brought, \* \* \* by crickets and grasshoppers among the growing crops of the first settlers," says Bancroft, "and again in 1855-6, was repeated at brief intervals in later years. Seldom was a harvest gathered in Utah that was not more or less injured by this scourge." (Bancroft's *History of Utah*, p. 724.) In 1859 great injury was done to the crops in Juab county and elsewhere, (*Deseret News* of June 29, 1859. For damage in 1860 see *Deseret News*, May 2). So great was the shortage from frost and drought in 1864, and such the fluctuation of gold and currency that a circular was issued calling a convention to fix the prices of wheat and other products of the soil, chiefly for the purpose of preventing the sale of wheat for feeding it to stock. And before selling any wheat at all, the producers were pledged by the convention to reserve at least a year's supply for themselves and families and dependents, and in case they had not enough, they would endeavor to secure it as soon as possible. (*Deseret News* of July 20th, 1864). The following is the list of the articles and prices, in gold, at which they were to be held in the market according to the action of the convention, held on August the 8th.

|                               |         |              |
|-------------------------------|---------|--------------|
| Flour.....                    | \$12.00 | per 100 lbs. |
| Wheat.....                    | 5.00    | per bushel   |
| Corn.....                     | 4.00    | "            |
| Barley.....                   | 4.00    | "            |
| Oats.....                     | 3.00    | "            |
| Potatoes.....                 | 2.00    | "            |
| Beets and Carrots.....        | 1.00    | "            |
| Onions.....                   | 4.00    | "            |
| Beans.....                    | 10.00   | "            |
| Peas.....                     | 6.00    | "            |
| Butter.....                   | .60     | per pound    |
| Cheese.....                   | .50     | "            |
| Eggs.....                     | .40     | per dozen    |
| Beef on foot.....             | .10     | per pound    |
| Mutton.....                   | .12½    | "            |
| Pork.....                     | .30     | "            |
| Hay.....                      | 20.00   | per ton      |
| Freighting per 100 miles..... | 2.00    | per 100 lbs. |
| Dried Apples and Peaches..... | .75     | per pound    |

(The Minutes of the Convention will be found in *Deseret News* for Aug. 17th, 1864, pp. 360 and 366).



days for Brigham Young and his associates in the church leadership. These and the years following, up to the time of his death, were the times when President Young accompanied by a large number of other prominent church leaders made his frequent and somewhat celebrated visits to the settlements throughout the territory, for the purpose of giving religious instruction and practical advice and direction in the settlement and development of the valleys the Latter-day Saints inhabited. Everywhere these visits were a source of delight and of profit to the people, and tended to the more rapid development of the country, in the improvement of social and civic and general community life conditions. Blessed indeed were the people whose leaders so ministered unto them in a spirit of large unselfishness; blessed were the leaders whose people were so willing to respond to their instruction, and guidance. On these two things rested the marked welfare of the Latter-day Saints—their material prosperity, and their moral and spiritual progress.

## CHAPTER CXXIX

### UTAH INDIAN TREATIES—THE BLACK HAWK WAR—INDIAN TROUBLES OF 1872—THE CORINNE AFFAIR

THE year 1865 is notable chiefly for several treaties made with the Indians and for the commencement of what is known in Utah annals as the Black Hawk War.

#### THE UINTAH INDIAN RESERVATION TREATY

Of the treaties the most important was the one negotiated at the Spanish Fork Indian Reservation Farm, in June, 1865, by Colonel O. H. Irish, then superintendent of Indian affairs in the territory; and at which Brigham Young and many other church leaders were present; and in which the "Mormon" leader participated.

The year previous, 1864, the United States congress had passed enactments providing that the Indian title to agricultural and mineral lands in Utah be extinguished; that the lands be laid open to settlement; that the superintendent of Indian affairs collect as many of the tribes as possible in the Uintah valley, and appropriating for Indian agricultural purposes the sum of \$30,000.<sup>1</sup> Hence the movement for a treaty with the Utah Indians to remove into Uintah valley by Colonel Irish. Uintah valley is in the eastern part of Utah, south of the Uintah range of mountains; "the tract enclosed the whole region drained by the Uintah river and its upper branches, as far as its junction with the Green river."<sup>2</sup> The proposed reservation is estimated to have contained at least two million acres, much of which was well adapted for agriculture and grazing purpose, which together with its timber lands and water power, make it one of the best sections of Utah.

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1. *Acts of 38th Congress*, 1st Session, pp. 67-8; also *Acts of the 2nd Session*, same Congress, pp. 16-17; and *House Executive Documents*, 46th Congress, 3rd Session, xxvi, pp. 971-3.

2. Bancroft's *History of Utah*, p. 635, note 88.

The treaty negotiations were held on the 7th, 8th, and 9th of June. The principal chiefs present were Sowiette, —now very old—Kanosh, Tabby, Toquone, Sanpitch, “and eleven other chiefs of lesser note, with a large crowd of Indians, among whom were bands of the Utes, the Pahvantes, (the orthography of this word is various) Timpanogas and Cumumbahs. Dimick B. Huntington and George W. Bean were the interpreters.”<sup>3</sup>

On the morning of the 7th Colonel Irish presented an abstract of the treaty, which summarized was as follows:

“The Indians are required to move to Uintah valley within one year from the ratification of the treaty, giving up their title to the Indian lands in Utah territory; they are required to be peaceful, not to go to war with other bands or tribes except in self-defense, not to steal from or molest the whites, to assist in cultivating the lands and to send their children to schools to be established for them. On abiding these conditions, the protection of the United States government will be extended to them. Government will pay them \$25,000 annually for the first ten years, \$20,000 annually for the next twenty years thereafter. Farms will be made, a grist and lumber mill built, schools established, houses built for the principal chiefs, annuities paid to the chiefs, and other provisions of a beneficial character are guaranteed.

The Indians are likewise to have the right of hunting, digging roots and gathering berries on all unoccupied lands, to fish in their accustomed places and erect houses for the purpose of curing fish.”<sup>4</sup>

#### INFLUENCE OF BRIGHAM YOUNG WITH THE INDIANS—HAD “TALKED WITH ONE TONGUE”

The chiefs appeared reluctant to accept this proposition liberal as it was. Chief Kanosh led in the discussion on the part of the Indians. He modestly suggested that he was but “a boy,” but Sowiette was an old man and could speak, he could not. Still he managed very well. He expressed confidence in Colonel Irish, the superintendent of Indian affairs. “He had always talked with one tongue, but the others had

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3. *Deseret News* of June 14, 1865. Besides Brigham Young there were present of the church leaders John Taylor, Wilford Woodruff, George A. Smith, F. D. Richards, presiding bishop of the church, Edward Hunter, A. O. Smoot, mayor of Salt Lake City, besides military leaders and prominent citizens from the immediately surrounding settlements and some from the San Pete settlements.

4. *Deseret News*, vol. xiv, p. 292.

talked with two;<sup>5</sup> they had lied to the Indians; would Colonel Irish always talk one way? Brigham had always talked with one tongue, they knew him, and he had never lied to them, but he had always spoken the truth and been their friend. What did he say about it? They did not want to sell their lands and go away; they wanted to live round the graves of their fathers."

Sanpitch<sup>6</sup> followed him and spoke rather bitterly, manifesting a strong opposition to the treaty.

President Young then talked to the Indians. He must have experienced one of the keenest moments of joy in his life when these chiefs of the red tribes of men declared their confidence in him, and appealed to him in their helplessness for advice. "He recalled his counsel and advice to them in the past," says the meager current account of the event, "and advised them to sign the treaty and accept the provisions guaranteed in it for their benefit." "The effect of his advice," said the *Deseret News*' correspondent, in narrating these events, "manifested itself in a few moments, most of the chiefs being strongly inclined to act upon it at the time, but [Chief] Tabby counseled waiting a little to calm their minds, so that they might act without any excitement or feeling." To this the rest agreed, and the signing of the treaty was postponed until the 9th, when fifteen chiefs affixed their "mark" to the document—Chief Sowiette's being the first. This released their claims upon Utah lands excepting the reservation in the Uintah valley.<sup>8</sup>

President Young, in a second talk to the red men, strongly advised them not to punish the innocent for the misdeeds of the guilty; and if any of their own or other bands should

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5. This doubtless with reference to Dr. Forney, see this *History*, ch. cxix.

6. Sanpitch was brother to Chiefs Walker and Arapeen. *News* editorial of June 14th, 1865.

7. *Deseret News* of June 14, 1865.

8. Sanpitch would not sign. Apparently standing on his "dignity" as a "big chief." On the 10th, however, he manifested a willingness to accept the treaty, but Colonel Irish with the paper had left the Reservation Farm; however opportunity was promised the chief of signing it later. (*Deseret News* of June 14th, 1865).



commit depredations, then catch the guilty ones and deliver them up to the authorities of the whites for trial. Advice with which they appeared much impressed.<sup>9</sup> "As a faithful observance of their treaties has ever been a characteristic of the Indians here as elsewhere," said the *Deseret News*, editorially commenting on this treaty, "we have no doubt of their honorably keeping this, if it is not infringed upon by reckless whites."<sup>10</sup>

#### THE PIEDES—THE UTAH SOUTHERN INDIANS

On September 18th Colonel Irish met with a large number of the Pieves, and several of their chiefs from Washington and Iron counties, on Pinto Creek, southern Utah, near the Mountain Meadows. There was a generous distribution of gifts including cloth, blankets, hoes, spades, etc., also beef and flour. The superintendent appointed Tutse-gubit as their head chief; after which the "pow wow" broke up and the bands departed for their homes on the Sevier and the Rio Virgin respectively.<sup>11</sup>

#### THE BLACK HAWK WAR

Chief Black Hawk and a number of subchiefs were not present in any of these treaty and peace meetings, but were in open hostility to the whites. What was known as the Black Hawk War had begun on the 9th of April, 1865, under the following circumstances: "A number of Indians under the leadership of the eldest son of the late Chief Arapeen and generally known as 'Jake' rode into Manti, in San Pete county, and evinced rather a boisterous desire to have a 'big talk,' manifesting bad temper and boasting that within the last

9. See *Deseret News* report of proceedings, impression of June 21st, and editorial of June 14th, 1865.

10. *Deseret News*, impression of June 14th, 1865.

11. *Deseret News*, vol. xv, p. 5. How Colonel Irish was appreciated as superintendent of Indian affairs in Utah may be judged by the following comment of the *Deseret News* on the above treaty. "Were government always so fortunate in the appointment of officers as it has been in the case of Colonel Irish, we should hear much less of Indian difficulties; for then the customary defrauding, abuse, and other gross wrongs would cease in transaction with the red men." (*Ibid*).

few days they had killed fifteen head of stock. Angered at these boasts, and also affected by being intoxicated,<sup>12</sup> a citizen of the name of John Lowery roughly took the Indian 'Jake' by the hair of his head and dragged him from his horse, using threatening language the while, and finally going to his house for a pistol with which to shoot 'Jake.' Before his return the Indians had departed in a great rage."<sup>13</sup> The following day a party of citizens rode out on the stock range south of Manti to ascertain how far the boasts of the Indians as to stock killing might be true. Near Twelve Mile Creek they ran into an ambush of Indians and one of their number, Peter Ludvigsen, was killed, but the rest—the party numbered nine—escaped by making a hasty retreat. The same day, the successful Indians on Twelve Mile Creek sent word of the beginning of hostilities to a band of Indians camped on the outskirts of Salina, in Sevier county, whereupon they broke camp and hastily moved into Salina canon. Finding two white men in charge of the stock belonging to the citizens of Salina, they killed them, horribly mutilated their bodies, and taking possession of the stock herds, retreated further into the depths of the canon.<sup>14</sup> They were followed up the canon on the 12th by Colonel Allred of the Utah militia with a company of eighty men. This force was ambushed and driven precipitously from the canon by the Indians, with the loss of two men and several horses killed,<sup>15</sup> and some arms and forage captured.<sup>16</sup>

This was the opening of hostilities between the white settlers and Indians in southern Utah which continued through several years, and was the most disastrous to the white population of all the Utah Indian wars. The chief events of the war,—following those above stated—through

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12. Whitney's *History of Utah*, vol. ii, p. 187.

13. Narrative of H. H. Kerns, respecting the Indian difficulties in Manti, San Pete and Sevier counties, copied into *History of Brigham Young, Ms.*, entries for April, 1865, p. 220, *et seq.*

14. The names of the killed were Elijah B. Ward and James Anderson.

15. The names of the men killed were William Kearns and Jens Sorenson.

16. Kerns' Narrative, in *History of Brigham Young, Ms.*, 1865, pp. 224-7.

the years 1865-6-7, are thus summarized by the historian of the church of that period, George A. Smith:

#### INCIDENTS OF THE BLACK HAWK WAR

"May 26th the Indians made a descent upon a family named Given, in Thistle valley, twelve miles from Fairview, in San Pete county, and massacred the father, mother, and four children, having the evening previous killed Jens Larsen. On the 29th they also killed David H. Jones.

In July, Robert Gillespie and Anthony Robinson were killed and several citizens wounded. These Indian massacres, which were generally accompanied by raids on cattle, rendered it necessary for the inhabitants of San Pete, Sevier, Piute, Millard, Iron, Beaver, Kane and Washington counties to guard their stock with mounted, armed men.

In January, 1866, a band of Indians made a descent upon the Pipe Spring Ranch, in Kane county, killing J. M. Whitmore, the proprietor, and Robert McIntire, and robbing the ranch of cattle and sheep. The ranch of 'Pahreach' was also robbed, and besieged for several months. Peter Shirts barricaded his house, and by strategy and unceasing vigilance, with the aid of his family, managed to evade the blows aimed at him until relieved by Captain James Andrus and a company of mounted volunteers from Grafton.

April 2nd, Robert Berry and wife, with his brother, Joseph, were waylaid and massacred at Short Creek, Kane county.

On the 22nd, Albert Lewis was killed, and three persons wounded, near Marysville, Piute county; and on the 29th, Thomas Jones was killed, and Wm. Avery wounded at Fairview, in San Pete county. On the 10th of June, the Indians made a raid on Round valley, driving away three hundred head of cattle and horses, and killing Father James Ivey and Henry Wright. On the 24th, Charles Brown was killed and Thomas Snarr wounded in Thistle valley; and while recovering the horses and cattle driven off from the Spanish Fork pasture, John Edmiston, of Manti, was killed, and A. Dimick, of Spanish Fork, badly wounded.

Early in 1867, the continued hostile intentions of the Indians were announced in the massacre of James P. Peterson, his wife and daughter, near Glenwood, Sevier county, who were mutilated in the most horrible manner. The vigilance of the militia of these counties, assisted by detachments from counties as far north as Salt Lake and Davis, so far held the Indians in check, that during the entire year there were only three other citizens killed and three of the militia, *viz.*, [citizens] Lewis Lund, James Meeks, Andrew Johansen; [militia men] Major John W. Vance, Sergeant Heber C. Houtz, and Private John Hay.

In consequence of these Indian raids and massacres, the counties of Piute and Sevier were entirely abandoned, as well as the settlements of Berrysville, Winsor, Upper and Lower Kanab, Shunesburg, Spring-

dale, and Northup, and many ranches in Kane county; also the settlements of Panguitch, and Fort Sandford, in Iron county."<sup>17</sup>

The settlements abandoned because of these Indian troubles numbered in all twenty-seven or eight. In Sevier and Piute counties "six extensive and flourishing settlements;" "four settlements on the borders of San Pete county were broken up;" "fifteen settlements in Iron, Kane, and Washington counties;" "besides two or three small settlements in Wasatch county."<sup>18</sup>

#### END OF THE BLACK HAWK WAR

Writers on Utah history quite generally regard the Black Hawk War as closing with the depredations of the year 1867, but hostilities were continued by part of Black Hawk's following, though that chief no longer led them, through the summer of 1868. In April of the last named year Bishop Frederick Olson and a party of settlers *en route* to reoccupy Richfield, abandoned the previous year, were attacked at Rocky Ford on the Sevier river, between Salina and Richfield, two men were killed and others wounded, and some stock taken.<sup>19</sup> Several raids on stock herds followed, one at Scipio on May 7th, and another near Ephraim; nor were all the hostile Indians engaged in this war quieted until the treaty of Strawberry valley was negotiated by Colonel F. H. Head, by then superintendent of Indian affairs for the territory, in August, 1868. In the previous summer superintendent of Indian affairs, Colonel Head, succeeded in getting an interview with Chief Black Hawk and obtained his promise to refrain from further hostilities on the whites, and that he would use his influence to have the war entirely stopped, a promise, it is generally believed, he kept, though

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17. *Rise, Progress and Travels of the Church*, George A. Smith, 1869, pp. 29-30.

18. Report H. B. Clawson, adjutant general of Nauvoo Legion militia of Utah territory to John M. Schofield, secretary of war, Feb. 9th, 1869. The report became a state document. (*House Executive Documents*, for 1869).

19. See *Deseret News* of the 8th and 15th of April, 1868.



at the time of making it he expressed his fears that some portion of his following would continue their depredations, which they did through the summer of 1868, as proven by the attacks upon the settlers at Rocky Ford, and the stock raids in San Pete county. With the withdrawal of Black Hawk from the conflict, however, it is doubtless proper to consider the Black Hawk War as ended, especially as the militia from the northern counties returned home, and such service as became necessary to check Indian depredations in 1868 was rendered by the citizens in the vicinity where they occurred, and are not accounted in the official reports of the Black Hawk War.<sup>20</sup>

#### TREATIES WITH THE INDIANS

The treaty with the outstanding chiefs after the retirement of Black Hawk from the conflict in 1867, was an important event. As already stated it was negotiated in Strawberry valley in August, 1868. The Indian chiefs concerned were Augavorum, Tamaritz and Sowahpoint. The first named though young and said to be feminine looking, was the principal chief; "though the second," (Tamaritz) said the *Deseret News*' account of the treaty meeting, "has been the prime mover in several of the raids made on our settlements, and in the murders of whites which have been before-time accredited to Black Hawk. He was of the party who murdered Major Vance and Sergeant Houtz, and was at other places where whites were killed."<sup>21</sup>

The conference with the chiefs occupied "nearly all day." The Indians had many complaints to make against the white settlers and were not easily persuaded to make peace. They told with great deliberation the "killings" in which they had participated. Black Hawk was present, and exerted his influence for peace, and finally all the chiefs concluded to "bury the hatchet"—to be at peace with the

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20. See Adjutant General H. B. Clawson's Report to Secretary of War John M. Schofield, dated Feb. 9th, 1869.

21. *Deseret News*, weekly, of Aug. 26th, 1868.

whites. A treaty was accordingly drawn up and signed by the chiefs and the officers representing the Indian department of the government.<sup>22</sup>

At first not more than fifty or sixty warriors of these renegade Indians had been engaged in the war,<sup>23</sup> but their several successes at the beginning of hostilities drew to them the disaffected of other tribes than those to which the original renegade belonged, until at the close of activities in 1865, when Black Hawk withdrew for the winter to the Colorado, near the junction of Green river with that stream, he had over a hundred warriors, notwithstanding he had lost about forty men in the several engagements of the year with the settlers. He could furnish all recruits to his ranks with horses, and with plenty of beef from the herds of cattle he had stolen—"strong inducements to Indians," said the Indian superintendent in his report. About one-half of Black Hawk's recruits came from the Navajoes of New Mexico,<sup>24</sup> and continued desultory depredations in southern Utah, even after the treaty of 1868 with the last outstanding chiefs of Black Hawk's band.

#### APPEAL FOR FEDERAL ASSISTANCE DENIED

At the outbreak of the war Colonel Irish applied to General Connor at Camp Douglas for "a sufficient force to protect the settlers and to arrest the offending Indians."<sup>25</sup>

22. Report of Dimick B. Huntington, *History of Brigham Young, Ms.*, entry 22nd of Aug., 1868, p. 1015.

23. *Deseret News* report of the treaty proceedings, impression of Aug. 26th, 1868.

24. F. H. Head, superintendent of Indian affairs, in *Indian Affairs Report* for 1866, p. 124.

25. Annual Report of O. H. Irish, superintendent of Indian affairs, Utah territory, Sept. 9th, 1865, to the Commissioners of Indian Affairs, Washington, D. C., published in the *Report of the Secretary of the Interior*, 1865-66, p. 314. In this report Mr. Irish said: "During the past year the Indians have been peaceful with the exception of the difficulties with a band of outlaws in San Pete valley, mentioned in my letter of the 28th of April last. At that time I requested the military authorities to send a sufficient force to protect the settlers and to arrest the offending Indians. This was refused, and the settlers were left to take care of themselves." (See also Report of Adjutant General H. B. Clawson to the Secretary of war, under date of Feb. 9th. It will be found in the *House Executive Document* of that year). General Connor replied "that if the depredations were committed upon any settlements remote from the mail line" he could give no assistance.

This help Connor refused to grant. Colonel F. H. Head who succeeded Colonel Irish as superintendent of Indian affairs, also applied to federal military authorities for assistance, but without avail. "I have, after consultation with Governor Durkee," said Colonel Head in a letter to the commissioner of Indian affairs at Washington, "desired Colonel Potter commanding the United States troops in this district, to send two or three companies of soldiers to that portion of the territory (i. e. the south part) to protect the settlements and repel further attacks. Colonel Potter has telegraphed to General Dodge for instruction in reference to my application."<sup>26</sup> General Dodge answered: "General Pope telegraphs that the superintendent of Indian affairs will have to depend for the present on the militia to compel the Indians to behave at Salina."<sup>27</sup> Although this answer came through General Pope, it was General Sherman, then commanding the department of the plains, who ordered the answer to be made.<sup>28</sup>

Seeing that they must rely upon themselves a sufficient number of companies of the militia of the territory were ordered out to protect the settlements in the threatened zone, and compel the Indians to sue for peace. In the accomplishment of this purpose the territory was called upon to bear a heavy burden, which it was customary for the federal government to bear since the Indians were wards of the general government, and subject to their jurisdiction. It was the government's place to restrain them from mischief, and to punish them for depredations committed.

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(Utah Legislature Memorial to Congress, cited in *Clawson's Report*). Bancroft mistakenly represents that the Utah militia were employed for this service because the California volunteers were disbanded. (*History of Utah*, p. 632). Stenhouse explains that orders had been given by the secretary of war to disband the volunteers in the spring of 1866; but owing to the Brassfield homicide in April of that year—dealt with later—the order was countermanded until the volunteers could be relieved by regular United States troops. (*Rocky Mountain Saints*, p. 616).

26. Colonel Head's letter bears date of 30th April, 1866, and will be found in the *Government Report of Indian Affairs* for 1866, pp. 128-130.

27. The telegram is contained in Colonel Head's Letter to the Indian Department at Washington, *Ibid.*, p. 130.

28. See Memorial of Utah's Legislature to Congress, date of Feb. 21, 1868, in *Laws of Utah*, 1868, p. 36.

## OFFICIAL REPORT OF THE BLACK HAWK WAR

The expense of the Black Hawk War as reported from the adjutant general's office of the territorial militia was as follows:

"Recapitulation of expenses incurred by the territory of Utah, in the suppression of Indian hostilities in said territory in the years 1865, 1866, 1867, estimated:

|                                                           |             |
|-----------------------------------------------------------|-------------|
| 1865, 500 men, 3 months service, including supplies.....  | \$ 45,000   |
| 1866, 2,500 men, 6 months service, including supplies.... | 695,000     |
| 1867, 1,500 men, 6 months service, including supplies.... | 450,000     |
| Total.....                                                | \$1,190,000 |

## ESTIMATED LOSS IN STOCK

|             |              |
|-------------|--------------|
| 1865, ..... | \$ 75,000.00 |
| 1866, ..... | 60,000.00    |
| 1867, ..... | 35,000.00    |
| Total.....  | \$170,000.00 |

Estimated loss by breaking up and vacating about 20 settlements in San Pete, Sevier, Piute, Kane, Summit, Wasatch, and other counties in Utah territory, \$175,000. Total, \$1,535,000.00.

## KILLED AND WOUNDED DURING THE 3 YEARS WAR

1865, 25 persons killed and eight wounded.

1866, 25 persons killed and seven wounded.

1867, 25 persons killed and three wounded.

From the best information obtained about seventy-five Indians killed and 5 wounded,

Adjutant general's office, Salt Lake City, Utah.  
Dec. 25th, 1868."<sup>29</sup>

In the Utah militia adjutant general's report to the secretary of war, before alluded to, the total expense as per a recapitulation sheet forwarded therewith amounted to \$1,-121,037.38. The Memorial of the Utah Legislature of 21st of February, 1868, also sent with the Utah adjutant general's report, asked congress to "appropriate \$1,500,000 to com-

29. *History of Brigham Young, Ms.*, entry for 23rd Dec., 1868, p. 1485. The above document is accompanied by the following note to the church historian: "Pres. George A. Smith:

Dear Brother, Agreeable to promise I have the honor to hand you the above.

Very respectfully,

(Signed) "JOHN R. WINDER." (*Ibid*, p. 1486).



pensate the citizens for their service, transportation and supplies in suppressing Indian hostilities in the territory of Utah during the years above named"—i. e. 1865-6-7. Compensation for these services has never been granted by congress, although the governor of the territory, Charles Durkee (a non-"Mormon"), certified that the accounts were just; that the service of the militia as per the account rendered was absolutely necessary, and therefore had been approved by him.

Following is a copy of the governor's endorsement:

"Executive Office, Utah Territory,  
Salt Lake City, January 9, 1869.

I, Charles Durkee, governor of Utah territory, do hereby certify that the military service rendered by the militia of this territory, comprised in the foregoing accounts, was absolutely necessary, and was therefore sanctioned and authorized by me at the time specified, and that the accounts are just.

(Signed) "CHARLES DURKEE, Governor."<sup>30</sup>

The only recognition that the Black Hawk War veterans have ever received is the long-delayed recognition represented in the appropriation by the Utah state legislature of \$50,000 in the session of 1912-13.<sup>31</sup>

#### MR. BOWLES' MISREPRESENTATION OF MILITIA ACTIVITIES IN UTAH

But what was worse than refusing to compensate the citizens of Utah—which is equivalent to saying the Latter-day Saints of Utah, so overwhelming was the preponderance of their number at the time—was, that after being told they must depend upon the territorial militia to compel the Indians to behave, the mustering of their militia into service for that purpose was interpreted to mean that the "Mormons" were finding "new means to organize and drill the militia of the territory, and to provide them with arms, under the auspices and authority of the Mormon church;" and that

30. *Adjutant General Clawson's Report to Secretary of War John R. Rawlins*, date of Feb. 9th, 1869.

31. *Acts of Utah Legislature* for that year.

“an open conflict with the representatives of the government is apparently braved, even threatened!” Such is Mr. Tullidge’s interpretation of the passage quoted from Mr. Samuel Bowles’ book, *Across the Continent*; and if Mr. Bowles does not mean to make such a charge then the passage in his book is meaningless. The passage occurs in his “Supplementary Papers” published in his *Across the Continent*, 1866, where he states that since the visit of the Colfax party to Salt Lake City in June, 1865, the leaders among the “Mormons” had “repudiated their professions of loyalty to the government;” and in addition to which “new means are taken to organize and drill the militia of the territory, and to provide them with arms, under the auspices and authority of the Mormon church; and an open conflict with the representatives of the government is apparently braved, even threatened.” As the only purpose for organizing and drilling the militia in those years was for the purpose of making ready to defend the people in the southern settlements of Utah, that action is seized upon by Mr. Bowles, editor of the *Springfield (Mass.) Republican*, and member of Mr. Colfax’s party in a journey across the continent, and made to mean preparation for resistance to the general government!<sup>32</sup> A most absurd thing in itself, but especially worthy of notice here because of the prominence of the party with which Mr. Bowles was associated—Mr. Colfax, at the time being speaker of the house of representatives in the American congress, and later vice president of the United States; also because of the subsequent relationship of Mr. Colfax to the anti-“Mormon” agitation of 1869-70, of which more in the proper place.

#### INDIAN DISTURBANCES, 1872—COLONEL MORROW

The close of the Black Hawk War marked the end of Indian troubles in Utah for all time except for a threatened renewal of hostilities by Indians who became dissatisfied with the management of affairs at the Uintah reservation,

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32. See Bowles’ *Across the Continent*, 1866, Supplementary Papers, p. 391.

and deserted it, returning to their old haunts in southern Utah. This in the spring of 1872. In addition to a number of minor offenses they killed two men and wounded a boy during the summer; and on the night of September 1st stole about forty head of horses from Fountain Green, in San Pete county. In his report to the United States Special Indian Agent, George W. Dodge, under date of September 7th, Lieutenant Colonel (afterwards General) Henry A. Morrow, commanding at Fort Douglas, and who with the United States troops had gone to Mt. Pleasant to give protection to the settlers and return the Indians to the reservation—said:

“These Indians came to the settlements early last spring, and remained in them until I arrived with troops. Their conduct towards the citizens was arrogant, domineering, and dictatorial. Indeed, it assumed finally the air of a conqueror towards a subjugated community. They entered private dwellings at all hours of the day and night, and compelled the women to cook meals for them ‘at all hours,’ often prescribing the dishes they wished served. In addition to this they were impudent beggars. I am not sure but it would be more proper to say they were impudent robbers, for their demands for food and presents were usually made with weapons in their hands to compel obedience to their exactions. After plundering the people in their homes, they entered upon a systematic course of horse and cattle stealing, which resulted in the loss, to the inhabitants of San Pete alone, of more than 200 head of horses and as many head of cattle. To prevent this, an attempt was made to guard the herds more closely. This was not to be submitted to by the Indians, who killed two of the herders, and wounded several others. This state of things had gone on until one of the highways of travel between San Pete county and the settlements on Utah Lake had to be abandoned, and people went armed to their fields and about their villages. Patrols were established, and when Colonel Hough, of my command, arrived at Mount Pleasant, he found almost a reign of terror among the people, who welcomed his soldiers as deliverers. I think I may say with truthfulness, that there is not another American community in the nation which would have endured half the outrages these people endured, before rising up as one man to drive out the savage invaders at the point of the bayonet. On any principle of self-defense, they would have been justified in doing this.

Now, sir, I have given you a plain statement of facts, and I desire to invite your attention, and through you the attention of the Indian department, to the justice and propriety of making this people some recompense for their losses. This may be done, I believe, from the appropriation made by congress for these tribes. It is only an act of

simple justice to the poor people who have suffered so severely that it should be done.”<sup>33</sup>

To this communication the special Indian agent made a detailed statement of his procedure during the summer of 1872. From that statement it appears that the Indians gave the following reasons for leaving the reservation:

“1st, to visit their friends, the Mormons, to exchange friendly greetings, and trade with other Indians; to worship the Great Spirit near the resting place of their fathers; and to receive compensation for the use of their lands, now occupied by Mormons and miners.

2. The Uintah Indians urged still farther that they had no means of subsistence at the agency.

3. That the agent and his employees treated them harshly, even preventing them from laboring when they asked the privilege.

4. That the agent did not give them the goods and provisions that the government provided for them.

5. That the government had not carried out the promises made to them in the Spanish Fork Treaty.”<sup>34</sup>

At a meeting in Salt Lake City, held in July, at which there were present General B. R. Cowen, assistant secretary of the interior, Hon. John S. Delano, chief clerk of the interior department, J. N. Turney, civil commissioner of Indian affairs, Geo. L. Woods, governor of Utah, Hon. J. B. McKean, chief justice, and others, it was determined that the renegade Indians must be immediately returned to the reservation, “peaceably if possible, otherwise to call upon the military to force them back.” To this end a meeting with the hostiles was held, at which, through the interpreter, Judge George Bean, of Provo, the Indians were urged to return to their agencies. “Every argument that I urged to induce them to return to their agencies,” said the special agent, “was stoutly resisted, they, stating in addition to the reasons already assigned, that, as the Spanish Fork treaty was never ratified, therefore, the lands of Utah occupied by them before the coming of the white man, were theirs, and that the white man was only occupying the same by their permission. They

33. Colonel Morrow's Letter is published in *Deseret News* of Sept. 25, 1872.

34. See Morrow's Letter in *Deseret News* of Sept. 25, 1872.



also urged that they had, the night previous, received a revelation from the Great Spirit, that they might remain away from their agencies two months longer, when the "Voice from the West" would appear to them, and give instructions about their future course."<sup>35</sup>

A second council meeting was held with the Indians on the 14th and 15th of July, at Fountain Green; and on the 16th one with a large band of Navajoes and Kapotas from the Elk Mountain region beyond the Colorado. At these meetings the Indians were more insolent than ever. So insolent were they that Special Agent Dodge "found it necessary to issue an official order forbidding the citizens furnishing them any supplies whatever, hoping that they would thus be compelled to leave." This course had no such effect. The presence of a military officer with the agent was interpreted to be a declaration of war against them, and they determined to resist all efforts to return them to their agency.<sup>36</sup> Several chiefs reported that they could no longer control their people, and at this point the matter was turned over to the United States military authority in Utah—to Lieutenant Colonel Morrow. He met with Chiefs Tabiana, Angitizebl, White Hare and others representing the one hundred renegades who had left the reservation, and by firm but kindly words he persuaded them to return. They declared, however, if food were not provided on their arrival they would not stay at the reservation. "The necessary papers were signed by the chiefs and the council broke up with friendly feeling." General Morrow was deserving of great praise for the manner in which he managed this delicate situation without a

35. *Deseret News* of Sept. 25, 1872, where Dodge's communication appears *in extenso*.

36. The mountain Indians have always been suspicious of, and angered by the presence of the military at their peace council meetings. In addition to the above incident, on the occasion of the treaty meeting held at the Spanish Fork Indian Reservation Farm, in June, 1865, the appearance of a troop of soldiers engaged in making the new mail road in the vicinity nearly upset the whole proceedings of the treaty-making meeting; and only on the strong assurance of both President Young and Colonel Irish that the soldiers were not coming to the council, and would not attack them, could they be induced to proceed with the meeting next day. (*Deseret News*, June 14, 1865).

"war," and he received it from both Special Indian Agent Dodge and the *Deseret News*. The former said:

"The promptness on the part of government, and your own decisive and politic course, have brought the Indians to accept the terms of the government without bloodshed. I can but congratulate you, sir, the government, the citizens and myself, on the success of your expedition and negotiations. I beg you to accept my grateful acknowledgment for so cheerfully carrying out that part of the programme belonging to me."

The *Deseret News* editorial said:

"The success which has attended the expedition of General Morrow to San Pete and his conferences with the Indians at Springville and Mount Pleasant is a matter of congratulation to those concerned and of satisfaction to the public. The entertainment of Indians in San Pete and in other counties adjacent has for years been a heavy tax upon the settlers and sometimes upon others who have gone to their assistance. As the government purchases the land from the Indians and the settlers pay the government for the portions respectively occupied by them, upon the government and not upon the hardy adventurous settlers should come the burden of rendering the Indians such support as may be advisable. The settlers have ever acted upon the old maxim that 'it is better to feed than to fight the Indians,' have endeavored not to resort to hostilities when it could be reasonably avoided, and have ever been ready to make and maintain peace with the red man."<sup>37</sup>

In addition to the military authorities present at this council there were Elder Orson Hyde, of the council of the twelve apostles, Bishops Seely, Tucker, and Olsen of San Pete settlements, Colonel Allred and a great number of settlers.<sup>38</sup>

#### DELEGATION OF UTAH INDIANS SENT TO WASHINGTON

In addition to returning the Indians to the reservation Colonel Morrow suggested, since he had not power to comply

37. *Deseret News* of Sept. 18, 1872; also *Ibid*, Sept. 25th, 1872.

38. The *Sacramento Union*, for October 1st, in commenting on Indian troubles in various states, refers also to the troubles in Utah and gives the substance of a conversation between Brigham Young and Secretary Delano (chief clerk of the United States interior department) in the following passage: "It has been told us that in a late interview with Secretary Delano, Brigham Young informed the secretary that if the government would give him the use of \$4,000 he would do more with it to pacify the San Pete Indians than the agents with ten times the amount; and that Delano replied that he believed the statement." (The *Union* article complete is reproduced in the *Deseret News* of Oct. 16th, 1872).

with all the demands of the Indians, that a delegation of the chiefs be sent to Washington, accompanied by the special commissioner, to present their grievances to the president of the United States, a proposition that was cheerfully accepted and acted upon, though some dissatisfaction was apparent over the personnel of the delegation. Colonel Morrow selected as members of the delegation Tabby, Kanosh, Toquoneah, Ankershap, and Douglas—"all known to be men of influence among their people," said the *Deseret News*, in commenting upon their selection, "well disposed towards the whites, and anxious to preserve peace." For some cause unexplained, however, when the special commissioner departed for the east—Oct. 17th, 1872—he took with him, instead of the five chiefs named by Colonel Morrow, Anterro, Veyeahoo, Tabuner and Wanderrodes. Two of this number were said to be "among the most unruly and dishonest among the Indians in Utah territory, and among the ring leaders and promoters of the late raid."<sup>39</sup>

Special Agent Dodge left word for Kanosh to follow his party, accompanied by Mr. Lyman Wood of Springville as interpreter, "but as the agents took along notoriously bad Indians, instead of those appointed by Colonel Morrow," Kanosh declined to leave the territory and returned home. George Bean who had been selected as interpreter for the Indians could not make the journey on account of sickness and the party left without an interpreter. The Indian chiefs had their interview with President Grant;<sup>40</sup> and whether it was the effect of that interview, or of the impression created upon the minds of the chiefs by the extent of the country and the overwhelming numbers of the white race, which revealed the uselessness of further conflict with the white men, may not be determined, but the Utah Indians never again renewed hostilities.

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39. *Deseret News*, editorial of Oct. 23, 1872.

40. See *Millennial Star*, vol. xxxvii, p. 132.

## CONVERSION OF UTAH INDIANS TO THE "MORMON" FAITH

A year or two later, there began a religious awakening among the Indians that resulted in many admissions into the Church of the Latter-day Saints—several thousands of them—by the ceremony of baptism, that, to say the least, was remarkable. On the 2nd of June one hundred Goshute Indians were baptized at Deep Creek in Tooele county by an Indian interpreter, Wm. Lee, and three other elders who assisted him.<sup>41</sup> Elder Lafayette Ball, of Deep Creek (Ibim-Pah the Indians called it), kept the record of these Indians' baptism in that locality, and it included the names of eight hundred who had been baptized there. It appears the Indians would frequently come in from quite long distances wearied with travel, for the purpose of being "buried in water." And they would sometimes ask the elders to administer to their sick children, who were frequently healed instantly by the power of God.<sup>42</sup> These baptisms had occurred in the summer and fall of 1874; preparations were made for still further additions in the following spring.<sup>43</sup> A year later, June, 1875, Bishop Culbert King baptized eighty-five Indians at Kanosh settlement, in Millard county, principally members of the band of which Kanosh was chief. Kanosh spoke on the occasion at length "with much earnestness, exhorting his followers to industry and good works."<sup>44</sup> Nor was the movement confined to the south alone. On the first of August, 1875, George W. Hill baptized over three hundred Indians in the Malad river, in Box Elder county, and many of their sick were healed by faith, under his administration consisting of the anointing with oil and the imposition of hands after the order of the early Christians.<sup>45</sup> These were among the remnants of the bands with which

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41. *Deseret News*, June 3rd, 1874.

42. *Millennial Star*, vol. xxxvii, p. 150.

43. *Ibid.*

44. *Deseret News*, July 4th, 1875.

45. *St. James*, v:14-15; and *Deseret News*, Aug. 11, 1875, p. 444; also *Millennial Star*, vol. xxxvii, p. 582.





TYPES OF UTAH INDIANS  
From a photograph 1862



Connors' California volunteers had made such havoc in the battle of Bear river. Indian conversions and baptisms continued through a number of years. A correspondent under date of March 20th, 1875, wrote the *Salt Lake Herald* that on the 19th there had arrived "about two hundred Shebit Indians who came and demanded baptism, the result of some supernatural influence through their prophets and 'medicine men' similar to demonstrations in other parts of the territory. \* \* \* Several persons were appointed to administer and after singing and prayer nearly two hundred of the denizens of the forest were baptized."<sup>46</sup> But for all these baptisms, the work of developing Christian character and civilized habits in the mountain Indians of the west is a slow and toilsome process, and so far with but few examples of satisfactory success.

"THE BURGH ON THE BEAR"—CORINNE

One of the effects of this movement among the Indians was to revive the hue and cry of a "Mormon-Indian" alliance for sanguinary purposes against the non-"Mormon" or Gentile population of the territory. Especially was this the case in relation to the movement in the Malad valley. In an account of the settlements and cities of Utah in 1873, Stenhouse writes: "There is but one Gentile commercial city in the territory, Corinne, a very enterprising town situated on the Central Pacific Railroad, about sixty-five miles north of Salt Lake City."<sup>47</sup> This city had been founded in March, 1869, on the approach of the transcontinental railroads, and being on the railroad near the mouth of Bear river, and but a short distance below the junction of the Malad river with that stream, it was the natural gateway through both the Malad and Bear river valleys for northern points of Idaho, Montana and Oregon. Much was hoped from it in a com-

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46. Copied into the *Millennial Star*, vol. xxxvii, p. 247.

47. *Rocky Mountain Saints*, p. 674. Corinne was named for the daughter of General J. A. Williamson, one of the early settlers of the place.

mercial way as a rival to both Ogden and Salt Lake City. Within two years after it was founded—and when “founded it was built of canvas and board shanties”<sup>48</sup>—it had an anti-“Mormon” daily paper, the *Corinne Daily Journal*; and it became a center of bitter anti-“Mormonism.” Indeed the first convention of the anti-“Mormon” political party in a territorial contest for delegate to congress was held there, in July, 1870. Such action was the result of a well considered plan on the part of the anti-“Mormon” forces, and designed to gain control of one of the counties of the territory—Boxelder county—and greatly influence the election of the adjoining county of Weber.<sup>49</sup> In all these things, however, Corinne disappointed its projectors and those who fostered it through many declining years. It failed both as a commercial and as a political center and by 1874-5, the “Burgh on the Bear”—as Corinne was facetiously called by those who ridiculed its pretensions—had so far sunk in decadence that its chances of survival were desperate.<sup>50</sup> It was this fact, doubtless, that led its citizens to make an effort to make it a military center for the suppression of imaginary Indian troubles arising out of the fact of so many of the Indians applying for baptism into the Church of the Latter-day Saints.

48. *Deseret News*, correspondent “Saxey,” impression of April 7th, 1869. The correspondent also said ironically: “The town of Corinne \* \* \* is fast becoming civilized, several men having been killed there already; the last one was found in the river with four bullet holes through him and his head badly mangled.”

49. *History of Salt Lake City*, Tullidge, 1886, p. 491.

50. Ten years after Stenhouse’s reference to Corinne as “a very enterprising town,” as quoted in the text above, Phil Robinson, the noted war correspondent of the *London Telegraph*, and at the time special correspondent for the *New York World*, writing up Utah, said of Corinne: “And so to Corinne, ghastly Corinne! A Gentile failure on the very skirts of Mormon success. It had once a great carrying-trade, for being at the terminus of the Utah Railway, Montana depended upon it for its supplies, and bitterly had Montana cause to regret it, for the Corinne freight-carriers (I wish I could remember their expressive slang name) seemed to think that railway enterprise must always terminate at Corinne, and so they carried just what they chose, at the price they chose, and when they chose. But the railway ran past them one fine day, and so now there is Corinne stranded high and dry, as discreditable a settlement as ever men put together without any plan. Treeless and roadless, the scattered hamlet of crazy looking shanties stands half the year in drifting dust and half the year in sticky mud, and the Mormons point the finger of scorn at the place the Gentiles used to boast of.” (*Sinners and Saints*, Roberts Brothers, Boston, 1883, pp. 269-70).



## THE FALSE MALAD VALLEY "INDIAN SCARE"

This work among the northern Indians in 1874-5, resulted in the selection of farming lands between the Bear and Malad rivers about twenty miles north of Corinne, where it was proposed to settle them and teach them the cultivation of the soil, in harmony with their desires. The season of 1875 being too far advanced to allow of the Indians that year getting out the water for the lands selected, moved down the river about ten miles, to where the water had been taken out by the citizens of Bear River City. Here a temporary camp was made, and the Indians did some hundreds of dollars worth of work in clearing out the ditch, making a new dam, repairing the fences of the citizens, etc. Crops were planted and work continued until August when the harvest was ripening. At this juncture the citizens of Corinne affected a "great fear" that they would be attacked by the Indians, and set out night guards for protection. On the night of August 10th the picket guard on the west fired off their guns and galloped into town with the report that a large body of Indians—500—were approaching. Great excitement followed. There was some "screaming and fainting" of women, and men rushed frantically about; but no Indians came. This, however, did not prevent a meeting of citizens being held to consult upon the safety of the city. Boxes of condemned arms belonging to the government and stored in trust at the Corinne railway depot were broken open and distributed among the citizens. The wildest rumors prevailed. "An Indian squaw had warned many persons to leave on account of an impending massacre." "A Mormon girl" who was employed in a Gentile family had received a dispatch "warning her to flee from a threatening danger;" several families of "Jack-Mormons" had "already fled." The Indians and the "Mormons" were in alliance for the destruction of Corinne, since Brigham Young desired the destruction of the town, hoping by that means to advance the interest of the Utah Northern Railroad, then build-

ing, and to exterminate the people of Corinne "who had persisted, against his wishes, in building up a rival to Salt Lake City." The Indians for their part in the alliance were to have the entire Malad valley.<sup>51</sup> The governor of the territory was appealed to for protection against this "Indian outbreak," and troops were sent from Camp Douglas under the command of Major Briant, and Captain Kennington, to give the alleged needed protection.<sup>52</sup> The whole thing, however, was a baseless fraud. There never was a moment of danger from the Indians gathered in the Malad valley. No Indians left their temporary encampment where they were farming, and working for the citizens of the vicinity. So evidently unnecessary was the appeal for military protection that while the great alarm took place late on the night of the 10th of August, and the appeal for military protection could not be made before that time, yet the *Deseret News*, of the 14th of August, reported the return of the troops from Corinne, under the caption: "*When Johnny Comes Marching Home*," saying:

"This morning the troops sent from Camp Douglas to the front of the Corinne scare arrived in this city, after having performed a useless errand. They looked as if they might be thinking that they would prefer that kind of a joke played on them by the 'ringites' to come not oftener than once in a great while. The whole affair has developed, in some of its phases, one of the most palpable farces ever perpetrated among civilized or uncivilized people in any age. The consummate rascality of its instigators, originators and conductors is beneath the contempt of every person who has any right to the appellation of man; but it is not the first evidence by many of their contemptible cupidity."

Under United States military authority, however, these Indians were ordered to leave the scene of their peaceful in-

51. *Deseret News*, by special correspondent, who visited Corinne in the midst of the "scare," under date of August 12th, see *Deseret News* of Aug. 18th, 1875, p. 453.

52. *Deseret News* of Aug. 18, p. 453, *et passim* for the month of August. This prompt action on the part of the governor and military authorities was in marked contrast to the action of the military authorities when the non-"Mormon" Indian agent made application for a United States military force to suppress Indian uprisings in the southern part of Utah, and give protection to the sorely beset "Mormon" settlers.

dustry—Chief Pocatello was among them—and go back to their reservation. There was doubtless some color of justification for ordering the reservation Indians back to their reservation. And yet when these Indians were found pursuing the vocations of peace, “and had frequently expressed the desire to become citizens of the United States, had paid taxes, in fact, at Franklin, Idaho territory, in 1874, the taxes being levied upon their horses, which was the only taxable property they owned, and for which they held the receipts”<sup>53</sup>—it does seem that a little wresting of the reservation rules to the advantage of the progress of the Indians in acquiring industrial habits and tendency towards civilized methods of life, might have been indulged without establishing dangerous precedents or disrupting the reservation system. But after the departure of the reservation Indians there were several hundred of the Indians in Malad valley who had no reservations to go to; they were local, valley Indians, but they were required nevertheless to leave the lands they had cultivated that season, just the same as the reservation Indians.<sup>54</sup>

I know of no sadder spectacle in the history of our country’s tragical Indian policy than these Malad Indian farmers leaving, without resentment, their harvest-laden fields at the bidding of the military representatives of the nation, and under the counsel of their religious leader, Elder George

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53. See signed statement of George W. Hill in *Deseret News* of Sept. 1st, 1875.

54. See the signed statement of Elder George W. Hill in *Deseret News* of Sept. 1st, 1875, p. 485. “The major (Briant) delivered his message which was to the effect that all the Indians must leave the farm and go to their reservations before noon the next day, or he would be compelled to drive them therefrom by force.” “I told the major,” writes Hill, “that all the Indians who belonged to reservations had already gone, and that the Indians who were on the farm now were resident Indians, had no reservation to go to, as they never belonged to any.” Nevertheless the orders had to be obeyed. “This was about three o’clock in the afternoon,” says Mr. Hill. “Immediately afterwards I called the Indians together, told them that it would all come out right and advised them to return to their former haunts. By sunset not an Indian could be found in the camp—all had scattered out to wander from place to place as in former years, leaving their crops, for which they had toiled so industriously, and on which they depended for their winter food, neither cut nor garnered. (*Ibid*). Mr. Hill charges that the next day a man styling himself “States Marshal,” with three or four others from Corinne, rode into the Indian camp and stole everything to which they took a fancy. (*Ibid*).

W. Hill,<sup>55</sup> who persuaded them it would be best for them to submit to the injustice; "and that it would all come out right in the end." And so indeed it did; for subsequently many of these Indians were gathered into a settlement that was afterwards named Washikee. Suitable elders were appointed to live in their midst and teach them industry and the art of cultivating the soil. The settlement continues to this time (1930), and in fact is one of the ecclesiastical wards of the church, presided over by a bishop, and some of the Indian members are descendants of those that were driven from their fields in 1875, and now own those lands.

Absurd as this whole Corinne affair was, yet the press in other states took up the hue and cry; and execration of the Latter-day Saints echoed and reechoed through the land. A sample of the spirit in which the matter was discussed is found in the following excerpt from the *Sacramento* (Cal.) *Record Union*:

"So much is certain, that if the Gentiles of Utah are in danger and help is wanted, a call for volunteers in California will be responded to by *twenty thousand armed men inside of twenty-four hours*; and if these volunteers should go to Utah and find hostilities in operation, we should be sorry to have to answer for the consequences of their indignation. \* \* \* If Corinne is attacked by the Indians, let Brigham Young see to it that Salt Lake does not smoke for the outrage.

Our volunteers might be rough, and when their passions are up, they would not perhaps be altogether capable of restraint.

Meanwhile is it not a disgrace to congress that so monstrous an anomaly as this should outrage American civilization?

It is time that this farce should be terminated. It is time that the Mormons were made to understand that they cannot be permitted to exist in either open or covert hostility to the United States."<sup>56</sup>

Yet the comments were not all as senseless and irrational

55. "This season the Indians put in about one hundred acres of wheat, twenty-five of corn, five and a half to six of potatoes, three to four of melons, peas, beets, and other vegetables, which, at the time of the commencement of the excitement, were just ready for harvest. In fact the Indians were in the fields with two reapers and had just commenced harvesting when the first news of trouble reached us." (Signed statement of Mr. George W. Hill, *Deseret News* of Sept. 1st, 1875).

56. From the *Record Union*, copied into the *Deseret News* of Aug. 18th, 1875, p. 456.



and threatening as this ebullition from the *Record Union*. The *Omaha Herald*, of August the 14th, then edited by Dr. Miller, had the following to say under the caption—

#### THE CORINNE COLLAPSE

“The Corinne telegrapher surrendered as gracefully as he could yesterday on the Corinne conspiracy. That interesting individual and the gangs of which he is the mouthpiece would do well to go and hang themselves. We deny the whole indictment against the Mormons, and we have no doubt that the Indians are as innocent of hostile intent towards the people of Corinne, or any other white people, as though they were unborn. Exactly what the explanation of the Corinne affair will be when those capable of telling the truth about the Mormons and Indians do this, we do not know, but the collapse of the conspiracy to create armed conflict in Utah was inevitable from the outset. That the army should have been cajoled into giving countenance to the scheme is to be regretted, but we do not believe there is an officer at Camp Douglas with a thimble full of brains who believes that there was the least foundation for the organized scare at Corinne.”

## CHAPTER CXXX

### THE COLFAX PARTY IN UTAH—THE BRASSFIELD HOMICIDE— GENERAL BABCOCK'S REPORT ON CONDITIONS IN UTAH

RETURNING to the year 1865 from which the narrative started that deals with the very last scene of Indian hostilities in Utah, the first visit of Schuyler Colfax and party should be considered.

#### THE VISIT OF MR. COLFAX, SPEAKER OF THE NATIONAL HOUSE OF REPRESENTATIVES

Mr. Colfax, a member of the United States house of representatives from Indiana since 1855, and for two years past speaker of the house, was a national character of large influence. He was accompanied by Lieutenant Governor Bross of Illinois; Mr. Albert D. Richardson of the *New York Tribune*, and Mr. Samuel Bowles, editor of the *Springfield (Mass.) Republican*. They arrived in Salt Lake City on the 11th of June—Sunday morning. There was a halt at Camp Douglas "to salute the flag;" a parade through the camp, headed by the post band. Leaving the camp the committee appointed by the city council met the party east of the city, took them from their dust-begrimed stage coach to open carriages. The whole party became the guests of the municipality at the chief hotel of the city, the "Salt Lake House." There were band serenades, a special performance at the theater, an excursion to, and a bath in, the Salt Lake.<sup>1</sup>

#### MR. BOWLES ON LOCAL ETIQUETTE

Mr. Bowles makes much of the local etiquette of "call-

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1. Bowles' *Across the Continent*, 1866, p. 84. Mr. Bowles declares the reception of Mr. Colfax and party to have been "excessive." "Mr. Colfax's reception in Utah was excessive if not oppressive. There was an element of rivalry between Mormons and Gentiles in it, adding earnestness and energy to enthusiasm and hospitality." (*Ibid*, p. 83).

ing." He states that it became a question as to whether the "distinguished resident and the distinguished visitor would meet;" since in "Mormon" etiquette, "President Young is called upon;" by Washington fashion "the speaker is called upon, and does not call." It appears that Mr. Colfax took a stand for the Washington custom, "and gave notice that he would not call;" whereupon President Young (acting with good sense), yielded the little question, if such a question existed, beyond what had imperceptibly become a local custom, and "called," accompanied by a large number of the church leaders.<sup>2</sup> "It was not one of Emerson's prescribed ten minute calls," says Mr. Bowles, "but a generous, pleasant, gossiping sitting of two hours long." Later there was a "return call" by the speaker and his company upon President Young, at the latter's office, where the "call" was longer and equally "chatty and free." There were social entertainments for the party at the home of former delegate, Wm. H. Hooper, and at the elegant home of Mr. Wm. Jennings. During the eight days of the visit of the Colfax party, James Duane Doty, the governor of the territory, died and was buried with processional honors. Speaker Colfax and Lieutenant Governor Bross of Illinois, were included among the pallbearers, and Rev. Norman McLeod, chaplain at Camp Douglas, conducted the funeral services at the governor's residence. Interment took place in Camp Douglas cemetery.<sup>3</sup>

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2. The members of President Young's party were Heber C. Kimball, John Taylor, Wilford Woodruff, George A. Smith, F. D. Richards, George Q. Cannon, Hon. John F. Kinney, J. M. Bernhisel, W. H. Hooper, Mayor Smoot, Marshal J. C. Little \* \* \* Wm. Jennings, *et al.* (Colfax's Journal of his Journey from the Missouri river to California, published in Tullidge's *Western Galaxy*, 1888, p. 244).

3. Governor Doty was from Wisconsin. In the territorial days of that state he had been its delegate in congress and its governor. He came to Utah as superintendent of Indian affairs in 1861; and in 1863 was appointed governor of the territory. "In his intercourse with the citizens, whether privately or in his official capacity, he manifested that openness and affability of approach so characteristic of men accustomed to western life and manners. During his residence in this territory he made many friends, and the intelligence of his sudden death called forth many and sincere expressions and evidences of mourning and regret. \* \* \* The flags throughout the city hung at half mast, draped in black, and with a general cessation of business, expressed the general respect entertained for the memory of our late territorial chief officer." (*Deseret News* of June 21, 1865).

## IMPORTANT FEATURES OF COLFAX PARTY'S VISIT

The chief interest of the Colfax party's visit to Utah centered in the speeches of Mr. Colfax and the interviews of the party with President Young and his associates among the church leaders; also the importance of the visit grew out of the subsequent policy adopted towards the Church of the Latter-day Saints, when Mr. Colfax became vice president of the United States, in 1869. Also it might be said that the visit was important because of the book it helped to produce from the trenchant pen of Mr. Bowles. Of the thirty-two letters which make up his book, *Across the Continent*, six are devoted to Utah, to the Latter-day Saints, to their social affairs, and their religious faith; also one of his Supplementary Papers—of which there are eight—and Mr. Colfax's speech to the people of Salt Lake City from his hotel veranda.<sup>4</sup>

In his Supplementary Paper on the "Mormons," Mr. Bowles does the church leaders a great injustice by inserting alleged excerpts from discourses which I am sure were never delivered by them. He opens this paper by saying:

"Since our visit in June, [1865, and this Supplementary Paper was written before the close of the same year] the leaders among the Mormons have repudiated their professions of loyalty to the government, denied any disposition to yield the issue of polygamy and began to preach anew, and more vigorously than ever, disrespect and defiance to the authority of the national government."<sup>5</sup>

4. The letters of Mr. Bowles from Salt Lake City on "Utah and Mormon Affairs," are a direct and forceful presentation of things from that gentleman's viewpoint; though, of course, the parts of the interviews he presents to his readers, one cannot fail to see, are those parts which give to the brilliant editor the best ground from which to appeal to the prejudices of his eastern readers. Mr. Bowles' locks are all made to fit Mr. Bowles' keys. The things he praises are chiefly the material progress of the people in their pioneering work; and guardedly, the personal appearance and intelligence of some of the chief men whom he met. His concluding paragraph of the letter, in which he takes his leave of Salt Lake City and her people, was intended, perhaps, to be both just and generous: "I have met much to admire, many to respect, worshiped deep before its nature,—found only one thing to condemn. I shall want to come again when the railroad can bring me, and that blot is gone." (*Across the Continent*, p. 122).

5. Mr. Bowles also alludes to the same matter in his introductory letter to Mr. Colfax where he says: "You will see that I give a supplementary chapter to this subject (the Mormons), to let the Mormon leaders strip off for themselves the thin disguise of loyalty and disposition to succumb, which they wore during our visit."



Then follows the alleged excerpts attributed to Heber C. Kimball, George A. Smith and Brigham Young. Unfortunately Mr. Bowles gives no citation to the source from which the excerpts are supposed to have been taken, nor date of their deliverance, nor who reported them. Diligent search through all the published discourses of the three gentlemen quoted during the period specified, fails to discover the paragraphs given by Mr. Bowles or anything like them. One can only conclude that he was imposed upon by those who supplied him with these passages after his departure. It is conceded that there was some extremes of speech at times on the part of church leaders, when laboring under a sense of outraged justice practiced upon themselves or the community, but it never took the form given in the Bowles alleged excerpts.<sup>6</sup>

#### MR. COLFAX'S SPEECH TO THE LATTER-DAY SAINTS

The speech of Mr. Colfax from his hotel veranda to the

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(*Introductory*, p. vi). This in allusion to the excerpts from alleged discourses by the church leaders referred to in the text above, and quoted in the supplementary chapter of Mr. Bowles' book.

6. The following is the alleged quotation from Brigham Young's Discourse: "*From Brigham Young himself*: He said if they undertook to try him in a Gentile court, he would see the government in hell first, and was ready to fight the government the *rub*. That he had his soldiers and rifles and pistols and ammunition and plenty of it, and cannon too, and would use them. *He was on it!* The governor of this territory was useless and could do nothing. He (Brigham) was the real governor of this people, and by powers of the Most High he would be governor of this territory forever and ever, and if the Gentiles did not like this they could leave and go to hell! He said that nine-tenths of the people of the territory were southern sympathizers; that the north was wrong, and this people sympathized with the south." Mr. Bowles in his second book, *Our New West*, published after his second tour with Mr. Colfax—1869—dealing again with "Mormon" affairs says: "A good many Mormon sermons have been reported and published, some by themselves, others by Gentile listeners" (p. 245). It was doubtless some "Gentile listener" who reported the above alleged remarks of Brigham Young, and the other excerpts alluded to, for on reading them one familiar with the ideas and language of the church leaders would be constrained to say, "an enemy hath done this thing." In the *Union Vedette* of June 21st, 1866, is given the Bowles' quotations from alleged sermons of Elders George A. Smith and Brigham Young, said to have been delivered in Tooele City in August, 1865, "as reported by Mr. James W. Gibson." Both in *Brigham Young's History*, Ms., for August, pp. 722-737, and in the *Deseret News* of Aug. 30th, 1865, is an account of a two days' meeting at Tooele—the only meetings held by these men in Tooele in August—and a very full synopsis of all the discourses delivered at those meetings is given both in the *History of Brigham Young*, Ms., and the *Deseret News*, but no subject matter is to be found in the account of those meetings that could form a just basis for the ribaldry alleged to be reported by Gibson.

people assembled in the street dealt with two questions: (1) what the people had a right to expect from the government; (2) what the government had a right to demand of the people. Briefly what the people had a right to expect of the government was protection, postal and telegraphic communication, with improved means of commerce and trade with other parts of the republic, better highway and railway facilities. What the government had a right to demand of the people was "*allegiance to the Constitution, obedience to the laws, and devotion to the Union.*"<sup>7</sup> The soundness of the doctrine may not be questioned, but it should be so far modified as to take cognizance of the fact that there remains with the people the right to question the constitutionality of legislative enactments, and contest them in the courts to the extent of their ability and power. Unquestioned acceptance and abject obedience to every enactment of congress is not the test of allegiance to the Constitution, nor the criterion of true Americanism. There remains the question, which is the proper law-making power in the case, the local legislature of the community, or the national congress? If the congress has assumed to enact a statute obnoxious to the local community, they are certainly within their right when they question and contest the constitutionality of the obnoxious law, both on the ground that it was not legislation that rightfully fell within the purview of the national congress to enact, and because it infringed the rights of conscience, and limited religious liberty. The Latter-day Saints at the time of Mr. Colfax's visit were questioning the constitutionality of the "anti-bigamy acts of congress" on both these accounts; and it was this attitude of the community, involving if not resistance to the law, at least the ignoring of it, that Mr. Colfax criticized; but that attitude gave him no right to question the loyalty of the community, assuming it, for they were acting clearly within their rights as American citizens. The victory

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7. *Across the Continent*, Mr. Colfax's speech, pp. 406-9.

of the American people of the northern states in their disobedience of, and their resistance to, the fugitive slave law, even when upheld by the decisions of the supreme court of the United States, was too recent to allow Mr. Colfax's "obedience-to-law" test of allegiance to pass unmodified. Many historical illustrations will suggest themselves. It is sufficient here to say that the whole progress and maintenance of liberty has been largely a matter of resistance to tyrannical and unconstitutional law; and such resistance, even if, for the sake of the argument, it be admitted that it was mistaken, is not incompatible with truest patriotism.

#### PRESIDENT YOUNG'S SPEECH FOR THE COLFAX PARTY

Mr. Colfax urged President Young during the interview had in the latter's office, and after a very frank discussion on many subjects, to speak the following Sunday on "the distinctive Mormon doctrines." This he did on the aforesaid afternoon, but apparently with no great success; for neither formal exposition, nor argumentative discourse was Brigham Young's forte. This is the opinion expressed in Mr. Bowles' book;<sup>8</sup> and it was conceded by his associates that President Young did not speak with his usual force or clearness. The discourse is published in the *Journal of Discourses*.<sup>9</sup>

In the evening of the same day Mr. Colfax at the invitation of both the church and city authorities gave his

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8. "Brigham Young's preaching today was a very unsatisfactory, disappointing performance. There was every incentive for him to do his best; he had an immense audience spread out under the 'bowery' to the number of five or six thousand; before him was Mr. Colfax, who had asked him to preach upon 'the distinctive Mormon doctrines;' around him were all his elders and bishops, in unusual numbers; and he was fresh from the exciting discussion of yesterday on the subject of polygamy. But his address lacked logic, lacked effect, lacked wholly magnetism or impressiveness. \* \* \* Brigham Young may be a shrewd business man, an able organizer of labor, a bold, brave person in dealing with the practicalities of life,—he must, indeed, be all of these, for we see the evidences all around this city and country; but he is in no sense an impressive or effective preacher, judged by all standards that I have been accustomed to." (*Across the Continent*, pp. 118-120). Tullidge's *History of Salt Lake City*, states of the incident that "It was the talk of the following week, among some of his friends, that the president, on the Sunday, had treated Speaker Colfax and party to the worst sermon he had ever preached," (p. 352).

9. Vol. xi, pp. 119-128.

Chicago "Eulogy on the Life and Principles of Lincoln." That speech ranks high among the great speeches of American statesmen, and delighted the Great Salt Lake audience—from five to seven thousand—who listened to it with wrapt attention, and gave the distinguished speaker a hearty vote of thanks "for the able oration," at its close.<sup>10</sup>

The two interviews between Speaker Colfax and his party and President Young and his associates were very frank, the marriage institution of the church, or at least that part of it relating to plurality of wives, was the chief topic of interest. President Young having asked Mr. Colfax what the government and people of the United States proposed to do with the question of polygamy, now that the question of slavery was settled, the latter answered frankly that he thought it about time that another revelation was had abolishing it. This was pleasantly said and "all present smiled," writes Mr. Colfax in his journal.<sup>11</sup> Mr. Colfax also added that "as the people of Missouri and Maryland, without waiting for the action of the general government against slavery, themselves believing it to be wrong and an impediment to their prosperity, had taken measures to abolish it; so he hoped that the people of the Mormon church would see that polygamy was a hindrance and not a help, and move for its abandonment."<sup>12</sup> President Young asked if polygamy were given up by the church, would they not be required to give up other features of the religion, the *Book of Mormon*, etc. "We all said, 'no,' " writes Mr. Colfax, "they had a

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10. *Deseret News* of June 21st, 1865. Also Mr. Colfax's Journal, entry for June 18th, 1865, *Western Galaxy*, Tullidge, p. 249. A curious disagreement respecting the manner of the delivery of the speech occurs in the accounts of it by Mr. Bowles, on the one side, and the *Deseret News* on the other. Mr. Bowles says that Mr. Colfax "spoke it without notes, and with much freedom and fervor to an audience unused to so effective and eloquent a style" (*Across the Continent*, pp. 120-121). The *Deseret News* said: "The orator said it was his custom to speak extemporaneously, but his relations with our late lamented president had been so close that he had not dared to speak of him except from the manuscript which he read." (*Deseret News* of June 21st, 1865).

11. Colfax Journal, *Western Galaxy*, p. 247.

12. *Across the Continent*, p. 11; also Colfax Journal, *Western Galaxy*, p. 248.



right to worship God as they pleased."<sup>13</sup> This was the opening merely of a protracted discussion of this question in which Mr. Bross, Mr. Bowles, President Young, Albert Carrington, then editor of the *Deseret News*, and others participated with great freedom and earnestness, but in good nature.<sup>14</sup> According to the testimony of both Mr. Colfax and Mr. Bowles, they received the impression from these interviews that "polygamy," as they styled the plural wife system of the church, might be abandoned, at least as a practice.<sup>15</sup> All which, in view of what took place under President Woodruff's "Manifesto" of 1890, discontinuing the practice of plural marriage, makes all this of great interest here.<sup>16</sup>

COLONEL O. H. IRISH NOMINATED FOR GOVERNOR BY BOTH  
GENTILES AND "MORMONS"

On the eve of the departure of the Colfax party from Salt Lake City—they left on the 19th of June—a petition was drawn up to the president of the United States, Andrew Johnson, asking that Colonel O. H. Irish, the very efficient superintendent of Indian affairs of the territory, be appointed governor of Utah to succeed the late Governor Duane Doty. This petition was signed by about two hundred and fifty leading "Mormon" citizens of Salt Lake City, and presented to Mr. Colfax for his endorsement, with a request that he

13. Colfax's Journal, *Western Galaxy*, p. 248. "I told him [Brigham Young], while their ecclesiastical system was the strongest I knew, polygamy was the weak point in it, setting the whole world against them." Bowles represents President Young as saying that plural marriage "was not an essential practice of the church, but only a privilege and a duty, under special command of God; that he knew it had been abused; that people had entered into polygamy who ought not to have done so, and against his protestation and advice. At the same time he defended the practice as having Biblical authority, and as having, with proper limits, a sound moral philosophical reason and propriety." (*Across the Continent*, p. 111).

14. "The discussion, thus opened, grew general and sharp though ever good-natured." (*Across the Continent*, p. 111).

15. "The conversation impressed me with the belief that they see their system cannot stand; and that they have contemplated the possibility of sometime or other stopping the practice by a new revelation" (Colfax's Journal, *Western Galaxy*, p. 248). "Not only what Mr. Young said, but his whole manner left with us the impression that if public opinion and the government united vigorously, but at the same time discreetly to press the question, there would be found some way to acquiesce in the demand, and change the practice of the present fathers of the church." (*Across the Continent*, p. 113).

16. See Official Declaration, *Doctrine and Covenants*, following sec. cxxxvi, current (1922) edition.

interest himself in obtaining the appointment of Colonel Irish. A second petition "signed by all the Gentile business men of Salt Lake City," also asking for the appointment of Colonel Irish, was handed to Mr. Colfax, and with the same request that he use his influence to secure the appointment. This the speaker of the house of representatives refused to do beyond forwarding the two petitions, and saying, "without intermeddling in the delicate question," that he "could cheerfully vouch for Colonel Irish's ability, prudence and devotion to the interests of the government."<sup>17</sup> This petition, like so many others of the people of Utah on the appointment of Utah officials, was not granted.

#### PROSPECT FOR STATEHOOD DISCUSSED—GLOOM

About two weeks after the departure of the Colfax party the Hon. James M. Ashley, of Ohio, member of congress and chairman of the committee on territories, arrived in Salt Lake City. In view of the desire of Utah to enter the Union the good will of the chairman of the committee on territories was an important matter, and a free discussion was had with him "upon the probable future relations between the government and the Mormons." In an interview between George A. Smith, president of the council of the Utah legislature, and John Taylor, speaker of the house, Mr. Ashley presented a rather gloomy prospect for Utah and her Latter-day Saint population. He represented that the religious feeling in the United States was more intensified against the church "than it had ever been before: \* \* \* the religious element now ruled the country—the clergy had it their own way, and they were determined that the laws of the United States should be enforced; \* \* \* the onset might come at any time, and it would be terrible; \* \* \* the army would be the refuse of Sherman's and other corps." He made charges against the conduct of Sherman's army that

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17. A copy of the Colfax letter with the petition to President Johnson is preserved in *History of Brigham Young, Ms.*, 1865, pp. 419-421.

marched through Georgia which were appalling; charges of wholesale rape and arson, and added: "That's what they intend to carry out here."<sup>18</sup>

At a meeting with Brigham Young, at the residence of Captain W. H. Hooper, the interview was not so gloomy. It began by President Young's greeting: "Well, Mr. Ashley, are you also going to recommend us to get a new revelation to abolish polygamy, or what are you going to do with us?" The chairman of the committee on territories frankly declared he did not know what would be done with the "Mormons," and illustrated by a story the difficulties of the government in enforcing the anti-bigamy law so long as the grand juries, who must make the indictments, and the petit juries, who must try the cases, would be drawn from the local community that believed the said anti-bigamy law to be unconstitutional.<sup>19</sup>

President Young—doubtless having in mind what had been said to Messrs. Smith and Taylor the day before rather than anything that arose in the present interview—told Mr. Ashley that he did not expect a war would be brought on between the Latter-day Saints and the United States; that any army might come, but bye and bye it would go away again; "that the Lord had been the trust of his people heretofore, and he still would be;" and illustrated the fact by a recital of the experiences in connection with Buchanan's "Utah Expedition" and its failure.<sup>20</sup>

#### THE SPIRIT OF THE CONFERENCE OF APRIL, 1865

The April conference of 1865 was memorable for the strong stand taken in reference to the general moral obligations of the saints. "Merchants, lawyers, doctors, and speculators of every kind have been reprov'd and warn'd, with more than ordinary energy and plainness," said President Young

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18. *History of Brigham Young, Ms.*, 1865, pp. 510, 511.

19. See Stenhouse in *Rocky Mountain Saints*, pp. 614-5.

20. *History of Brigham Young, Ms.*, 1865, p. 511.

in a letter to his son, Brigham Young, Jun., presiding over the European Mission. Then he continued:

"The condition of many of the classes required something more than kind entreaties and soft speeches; \* \* \* these have been tried in vain, and the time had come for something stronger to be used. \* \* \* In the teachings of this conference, there have been evidences afforded to the world of the divinity of this work, [i. e. 'Mormonism'] which must be irresistible to the honest mind. Had such reproofs been given in the midst of any other people, as they have been given in the midst of the saints, the community would have been split in pieces. No Gentile community in the world would bear them. But here all is calm and peaceful, and all, so far as we know, feel to appreciate the reproofs, and are thankful to the Lord that he has bestowed his holy priesthood upon man, by which he is enabled to warn and teach his fellow man. \* \* \* We are now beholding a spectacle of moral power exercised by the priesthood of the living God, such as the world has not witnessed since the days of the apostles. Here are men, called suddenly, at a moment's warning, to take missions to the nations of the earth to preach the gospel, cheerfully accepting that call, and stepping forward, not only without murmuring, but joyfully, to respond to it, and closing up their business, and preparing to take leave of their families for years, to preach in strange lands, the messages of salvation, which is despised by so many. \* \* \* Glory be to God for the restoration of his Spirit and power again to the earth, through which all these mighty works are wrought."<sup>21</sup>

A resolution was presented to the conference and carried unanimously, "that the city council of Salt Lake City, and other cities throughout the territory abolish all liquor saloons, or places where liquor is sold, as fast as circumstances will permit, by ceasing to grant licenses for such purposes."<sup>22</sup>

#### CONSTRUCTION OF LOCAL TELEGRAPH LINES

Following the close of the general conference a special meeting was called, at which more missionaries were appointed and a resolution taken to build a local telegraph line to extend from St. George, in Washington county, to St. Charles, in Bear Lake valley, then the two extreme settlements of the Latter-day Saints north and south. This action was followed in November by a circular letter from President Young calling upon the bishops and presiding elders in the church to

21. *History of Brigham Young, Ms.*, 1865, pp. 228-232.

22. *Ibid.*, p. 231; also *Deseret News* of April 12th, 1865.



assist in the erection of this telegraph line. They were instructed to proceed with the work of securing and setting up the poles;<sup>23</sup> to gather up subscriptions for the purchase of the wire and insulators, which must be shipped from the east to Missouri river points, and thence by ox teams to Salt Lake City. It was estimated that these materials would weigh upwards of fifty-five tons. Settlements expecting to have telegraph stations were urged to select one or two young men and send them to Salt Lake City to learn the art of telegraphy. A special school would be opened to give this instruction and training.<sup>24</sup>

These details in relation to the construction of a telegraph line would not be justified in a history of this character but for the uniqueness of the circumstance—a church is building a telegraph line for an extent of over three hundred and fifty miles, and chiefly through a wilderness, and through the greater extent of which an Indian war was then raging. It must be of some interest to mankind to know something of the manner in which so unusual a thing, by such an unusual agency was done—it illustrates the “Mormon way” of doing a thing which was recognized as a great public necessity. This necessity is recognized and set forth in the following passage from Brigham Young’s circular:

“Scarcely a week passes that we do not feel the want of such a line. Occurrences frequently happen in distant settlements which require to be known immediately in other parts of the territory, and in many instances public and private interests suffer through not being able to transmit such news by any quicker channel than the ordinary mails. We are rapidly spreading abroad, and our settlements extend to a great distance on every hand. We now require to be united by bonds which will bring us into more speedy and close communication with one another; the center should be in a position to communicate at any moment with the extremities, however remote; and the extremities be able, with ease and speed, to make their wants and circumstances known to the center. Instead of depending altogether upon the tardy operation of the mails for the transmission of information, we should bring into requisition every improvement which our age

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23. They were to be 22 feet long, 8 inches in diameter at the butt, and 5 inches at the top, to be set 70 yards apart, and four feet in the ground.

24. The circular appears *in extenso* in *Deseret News* of Nov. 9th, 1865.

affords, to facilitate our intercourse and to render our intercommunication more easy. These requirements the telegraph will supply, and it is well adapted to our position and the progress of the age in which we live."<sup>25</sup>

This from a leader who is generally supposed to have sought isolation for his people, and who relied upon their ignorance for the perpetuation of his "priestly dominion" over them, is rather enlightened and advanced progressivism.

The wire and insulators were brought into Salt Lake City by sixty-five wagons drawn by ox teams, arriving on the 15th of October, 1866.<sup>26</sup> By December 1st the line was established between Salt Lake City and Ogden; by the 8th it was opened on the north to Logan; by the 28th, it had reached Manti in the south; by the 15th of January following, the line was opened to St. George, with a branch line running into San Pete county; five hundred miles of line had been erected by this time. On the 18th of January, 1867, the Deseret Telegraph Company was incorporated by act of the Utah legislature;<sup>27</sup> and on the 21st of March the company was organized, with Brigham Young as president.

In the closing month of 1869 the line was opened to Franklin, Idaho. Two years later it reached Paris, in Bear Lake valley, and the same year lateral lines were extended to Coalville in Summit county, northeasterly from Salt Lake City, and Pioche, Nevada, southwesterly. Thus the enterprise went beyond the original design.

#### HOMICIDES: THE BRASSFIELD KILLING

During the year 1866 two homicides occurred in Salt Lake City which not only disturbed the local community but attracted the attention of the whole country, and talk was revived in some quarters, for a time, of another military interference in the affairs of the territory. These were the Brassfield and Robinson homicides.

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25. *Deseret News* of Nov. 9th, 1865.

26. *Deseret News* of Oct. 17th, 1866. Elder Horton D. Haight was the captain of the "wire train."

27. *Laws of Utah*, 1867, chapter xxix.

Squire Newton Brassfield was a "Gentile" who came from Austin, Nevada, to Salt Lake City. He made the acquaintance of, and soon married, a Mrs. Mary Emma Hill, (March 27), plural wife of Elder Archibald N. Hill, then absent on a mission in England. No steps were taken to secure a divorce for Mrs. Hill, Mr. Brassfield or his advisers holding, doubtless, that her marriage to Hill had no legal status. There was an attempt made on the part of the newly wedded pair to remove the goods from the residence of Mr. Hill, occupied by the woman; legal resistance through the police was made to this act by the friends of the absent husband; there were threats of violence and the drawing of a pistol upon the officers by Brassfield; the offender was arrested and a charge made against him both for larceny and for assault with intent to kill; on these charges he was released by giving bail. Then followed the effort of Mrs. Brassfield by writ of *habeas corpus* procedure to secure custody of the children by the former husband, and while this case was pending in court, Brassfield, when about to enter his hotel<sup>28</sup> in company with Captain J. K. Hosmer, United States marshal, some person stepped out of an alleyway, shot him and ran off, pursued and fired at by a policeman in the vicinity, but the slayer escaped without being recognized. About forty-five minutes after he was shot, Brassfield died.<sup>29</sup>

The act of violence produced a sensation in Salt Lake City. Judge Elias Smith of the Salt Lake county probate court—which then had criminal as well as civil jurisdiction, and was then in session—called the grand jury into court and gave them a special charge "to use all diligence and take every necessary step to bring the offenders" in this and some

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28. This was the "National Hotel," east of "Godbe's Corner," on First South street.

29. The above narrative is condensed from a letter of President Brigham Young, to his son, Brigham Young, Jun., then presiding in the European Mission, under date of April 9th, 1866, and by far the most circumstantial account given of the affair. Copied into *History of Brigham Young, Ms.*, 1866, pp. 328-332; also from the reports and editorials of the *Deseret News* of the 5th and 12th of April, 1866, and the *Union Vedette* of the same period.

other recent cases of street violence to the bar of justice, "that the majesty of the law might be enforced."<sup>30</sup> The Gentile population raised a subscription reward of \$4,500 for the arrest of the slayer of Brassfield,<sup>31</sup> but neither this nor the efforts of the grand jury elicited any information. The quality of this act was variously viewed by the community. By the non-"Mormons" generally who, of course, had no regard for the sanctity of the plural marriages allowed by the Latter-day Saint Church, Brassfield was justified in marrying Mrs. Hill; indeed it was regarded as a meritorious act;<sup>32</sup> and his taking off characterized as a case of "Mormon blood atonement." On the part of the Latter-day Saint community, who held plural marriages to be as sacred as monogamic marriages, the act of Brassfield was of the same quality as if he had invaded a monogamic home and taken from it the wife of an absent and undivorced husband. This is clear from the remarks of President Young during the general conference of the church which opened four days after the shooting of Brassfield, and the editorial comment of the *Deseret News*.<sup>33</sup> Brassfield was also accused by a Provo correspondent of the *Salt Lake Daily Telegraph* with already being a married man when he went through the ceremony of marriage with Mrs. Hill; that he had a wife in Kansas; and that Mrs. Hill was not the first woman he had caused to leave her husband.<sup>34</sup>

The following is important evidence in the case:

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30. *Deseret News* of April 5th, 1866.

31. See Bancroft's *History of Utah*, p. 626, and Stenhouse in *Rocky Mountain Saints*, p. 616. The *Union Vedette* anti-"Mormon" paper places the subscription-reward at \$4,150.

32. See *Union Vedette* of April 4th, 5th and 6th, 1866.

33. See Minutes of April Conference in *Deseret News* of April 12th, and editorial of the same impression. Also editorial comment of *News*, *passim*, and *Salt Lake Daily Telegraph* of that period. The latter journal, edited by Mr. Stenhouse, said: "Mr. Hill has been known for many years in this community as a quiet, sober, and kind man, with many friends; \* \* \* and some one, we think, has given him and every absent man evidence that their families are not at the mercy of the wicked." (*Telegraph*, of April 5th, 1866).

34. *Salt Lake Daily Telegraph*, edited by T. H. B. Stenhouse, impression of 15th of April, 1866.



"Provo City, April 12th, 1866.

*Editor Telegraph:*

Dear Sir:—There seems to be considerable excitement over the Brassfield case. For the satisfaction of those who were not acquainted with Brassfield before he came to Utah, I will say to them that Mrs. Hill was not the first woman he caused to leave her husband. Brassfield was a married man and has a wife in Kansas, whom he has been away from several years.

I was acquainted with Brassfield before he came to Utah, and told him before and after he came here how men were expected to conduct themselves while here, and cautioned him particularly not to tamper with any man's wife or daughter while he was here, for if he did the probability was he would get into trouble.

Yours, etc.,

(Signed) "W. D. R."

The business partner of Brassfield denied this statement in a communication to the *Telegraph*; but the editor of that paper in acknowledging the request for the publication of the denial, stated that "from the assurance in a private note" accompanying its Provo correspondent's published communication, asserting that proof was on hand "if required" as to Brassfield's status, said—"We cannot reasonably abate our confidence in the statement of our Provo correspondent."<sup>35</sup> The community could not fail to be as divided with reference to this charge and the denial of it—and by the same line of cleavage—membership or non-membership in the "Mormon" church—as in relation to the quality of the act of Brassfield's marriage. But if the charge of bigamy against Brassfield was true, then his act of marriage with Mrs. Hill was all the more reprehensible and was seduction under the false pretension of marriage. Brigham Young undoubtedly accepted the information that had come from Provo as true, and therefore in a somewhat noted dispatch to General Sherman—noted later—so characterized Brassfield's conduct.

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35. *Salt Lake Daily Telegraph* of 18th of April, 1866. The communication denying Brassfield's marriage was by a Mr. A. H. Greenhalgh, a business partner of the deceased for two years just past, who claims to have known Mr. Brassfield since 1860. His communication was published in the *Union Vedette* of the 19th of April, 1866.

It added to the aggravation of the case that it was but one of a number of similar cases; and had been suggested as a regular policy in order to break up the "Mormon" plural marriage system. Mr. Bowles of the late Colfax party had suggested that the soldiers at Camp Douglas illustrated the way in which "polygamy will fade away." "Two companies," he writes, "who went home to California last fall [1864], took about twenty-five wives with them, recruited from the Mormon flocks. There are now some fifty or more women in the camp who have fled [?] thither from town for protection, or *been seduced away from unhappy homes and fractional husbands*; and all or nearly all find new husbands among the soldiers."<sup>36</sup> "Our bachelor stage-driver out of Salt Lake," said Mr. Bowles later, "who said he expected to have a revelation soon to take one of the extra wives of a Mormon saint, is a representative of the *coming man*. *Let the Mormons look out for him*."<sup>37</sup>

The Brassfield incident, as already stated, attracted wide attention outside of Utah and especially in government circles. Orders had been given to disband the remaining volunteers at Camp Douglas, but upon the report of the Brassfield homicide reaching the east, and the rumors of subsequent excitement "threatening an outbreak," the order was countermanded until regular troops could relieve them; "the government at the same time, by telegraph dispatches, assuring the people [i. e. the Gentiles] that they would be protected in their lives and property to the full extent of its power."<sup>38</sup> Sensational telegraphic reports were sent east over the affair, and an hysterical effort made to create anti-"Mormon" sentiment with an appeal for military protection for non-"Mormon" federal appointees, and Gentiles generally, as is witnessed by the following telegram sent to General P. E. Con-

36. *Across the Continent*, p. 116. Unhappily the experience of most of those who went to camp found betrayal and a life of shame rather than husbands.

37. *Ibid.*, p. 130.

38. See *Union Vedette* of April 21st, 1866; also *Rocky Mountain Saints*, p. 616.

nor, then in New York. Associate Justice McCurdy, it will be seen, had performed the Brassfield-Hill nuptials:

"Great Salt Lake City, April 8, 1866.

Brigadier General P. E. Connor, Metropolitan Hotel, New York: I married S. N. Brassfield to a Mormon woman, on the 28th ultimo. Brassfield was assassinated on the night of the 6th instant. I have been denounced and threatened publicly. Government officials here have telegraphed to the secretary of war to retain troops here until others are sent to relieve them. Call on secretary of war, learn his conclusions and answer; I feel unsafe in person and property without protection.

SOLOMON P. MCCURDY,

Associate Justice Supreme Court, U. T."<sup>39</sup>

#### TELEGRAMS BETWEEN GENERAL W. T. SHERMAN AND BRIGHAM YOUNG

General Sherman, on the 10th of April, sent the following dispatch:

"A telegram comes to me from responsible officers that four men styled 'Gentiles,' have been murdered by Mormons, and that there is apprehension of further danger from this class. By 'Gentiles' I understand American citizens not of your religious belief. I am bound to give protection to all citizens, regardless of religious faith, and shall do so. These murderers must be punished, and if your people resort to measures of intimidation those must cease. All of our people must have equal rights within the limits of our national domain. I know little or nothing of the causes of local trouble in Utah, but it is well for you to know that our country is now full of tried and experienced soldiers who would be pleased at a fair opportunity to avenge any wrongs you may commit against any of our citizens, even in that remote region. I will soon have regular troops in Utah, and on the road leading there, when I hope we will receive reports on which to base accurate opinions, and I send you this message, not as a threat, but as a caution that a sensible man should heed. [Signed] "W. T. Sherman."

Major General Commanding Department."<sup>40</sup>

To this Brigham Young sent the following reply:

"Great Salt Lake City, April 11, 1866.

Major General W. T. Sherman, St. Louis:

Sir:—Your telegram of yesterday is at hand, and contents duly

39. *Deseret News* of Jan. 9th, 1867. "A similar dispatch was forwarded by Colonel C. A. Potter, who was ordered to retain troops until the regulars arrived." (*Beadle's Life in Utah*, 1870, p. 205).

40. The telegram sent by Sherman, which was not published in Utah until some months later, was represented as much more threatening than it really was. (See *Union Vedette* of that period, April and May, 1866).

considered. The reports that have reached you are not reliable, satisfactory evidence of which I will telegraph you as soon as the testimony of reliable gentlemen, not 'Mormons,' can be had, say within twenty-  
B. Young."

And the next day this was sent:

"Great Salt Lake City, April 12, 1866.

Sir:—I am under many obligations to you for your kindness in telegraphing me respecting reports which have reached [you] from this place, as it affords me the opportunity of stating facts.

As high as we can learn there have been telegrams sent from here to the east which have not been reliable. Your telegram gives us some idea of their purport. There have been no such assassinations as alluded to in your dispatch. On March 17th a soldier shot a gentleman named Mayfield, and a Mr. Brassfield came home and seduced a 'Mormon's' wife, and was shot on the street by some unknown person; but neither I nor the community at large knew any more about it than an inhabitant of St. Louis. Citizens who are not of our faith do not suffer from intimidation here. In no other communities could men pursue the course many do here without experiencing the vengeance of a vigilance committee. The outrageous slanders they have circulated against us would have provoked such an outbreak elsewhere.

There are a few speculators here who are anxious to make it appear that American citizens' lives are in danger through religious fanaticism, hoping thereby to have troops sent here to make money out of contracts. Gentiles lives are as safe here as 'Mormons,' and acts of violence occur more rarely in this city than any other of its size in any of the new states or territories.  
B. Young."

#### CITIZENS OF UTAH TO GENERAL SHERMAN

"Major General Sherman:

Sir:—We the undersigned residents of Great Salt Lake City, and not members of the Mormon church, have read the above telegram of Mr. Young, and freely certify that we fully believe that citizens of every class, who simply attend to their own business, are as free from intimidation and as fully respected in their rights in this city as in any part of the United States.

[Signed] "W. Willard Smith, lieutenant colonel 6th U. S. V., commanding Camp Douglas; Captain E. J. Bennett, C. S. Vols.; N. S. Ransohoof & Co., merchants; Ellis & Bro., merchants; J. B. Kimball, merchant; Bodenbarg & Kahn, merchants; Walker Bros., merchants; F. H. Head, superintendent Indian affairs; Nounnan, Orr & Co., bankers; J. H. Jones, merchant; J. G. Hughes, representative of Holiday & Halsey, bankers; J. W. Calder, late captain N. C. Vols.; M. G. Lewis, ex-assistant adjutant general U. S. Vol.; Stebbins & Co., merchants."



## GENERAL SHERMAN TO BRIGHAM YOUNG

"Brigham Young:

Sir:—Your dispatch is received and I am much gratified at its substance and spirit.

[Signed] "W. T. Sherman."  
*Major General Commanding Department.*"<sup>41</sup>

It was some time before the ill feeling occasioned by this unfortunate circumstance—the killing of Brassfield—died out; and it has always been relied upon as "stock-in-trade" by anti-"Mormon" writers.

In addition to his telegraphic correspondence with Brigham Young, General Sherman further manifested his interest in Utah affairs about this time, by requiring Brevet Brigadier General O. D. Babcock, already appointed to make an inspection of the military posts of the west, to make a stay of several weeks in Salt Lake valley in order to fully acquaint himself "with the threatened difficult question between the United States government and the sect of people known as Mormons;" suggesting to him "the propriety of talking freely and plainly with these people, and particularly with the leader, President Young." These instructions and suggestions were admirably carried out by General Babcock, and a very intelligent report made from his observations. He found things both to praise and to censure; but the report was just, from his viewpoint, and on the whole favorable to the Latter-day Saint community. The report was submitted to the war department on October 5th, 1866; portions of which were laid before congress on the 3rd of January, 1867, by Secretary Stanton.<sup>42</sup> General Babcock's report gives a summary of the movements of the "Mormons" until their settlement in Salt

41. For both of President Young's telegrams, see *Union Vedette* of June 1st, 1866; which copied all the above telegrams from the *Missouri Republican* of May 14th, 1866. Brigham Young's use of the phrase in referring to Brassfield's act—"seduced a 'Mormon's' wife"—is justified by his belief in the charge against Brassfield already being a married man when going through the marriage ceremony with Mrs. Hill, referred to in the text a few pages back. The editor of the *Union Vedette* claimed that Lieutenant Colonel W. Willard Smith, among the signers of the telegram indorsing President Young's statements, ordered his name removed by telegraph message; but for what reason is not very clearly defined.

42. See *Congressional Globe* of that date.

Lake valley. He represented the people as chiefly engaged in agriculture and stock raising:

"The cultivation of this country was necessary to the development of the gold mines in Idaho and Montana, for this new country was supplied with flour by the Mormons. \* \* \* I saw a less number of idle people in Utah territory than in any locality I ever visited. That these people were exasperated by the conduct of General Connor, and many officers in his command, there is no doubt. A more quiet or peaceful community I never passed four weeks with. \* \* \* Along through Utah and Idaho the settlers were quite numerous and very thrifty. Mormon industry and success commend these people to the kind consideration of the general government. Public opinion could be relied upon to cure the institution [polygamy] to which they cling with such fanatical faith, and save our country all the elements of good citizenship they possess; while a coercive policy would be disastrous. Whenever called upon to aid in suppressing the Indians they have responded promptly, and I believe have rendered very efficient service. Brigham Young has three hundred men this season [summer of 1866] protecting the settlers of the southern portion of the territory, from a band of bad Indians, under a chief by the name of Black Hawk; these men are furnished without complaining. They receive no compensation from the United States. If other territories would exhibit similar dispositions, many of the Indian troubles would disappear."

*Per Contra:* "In the earlier days, when the people were more isolated, some of them, perhaps to the knowledge of the church, committed very grave crimes;—among the worst the 'Mountain Meadows Massacre.' Their militia instead of being under the control of the governor is under the authority of the church, or Brigham Young. During the rebellion I have no doubt but these people had but little sympathy with the government, which they looked upon as their persecutor. \* \* \* The Mormons were never called upon for a quota of troops. Had they been I believe they would have been filled with as much promptness as any call that was made. \* \* \* This discussion is given to afford you an idea of the people with whom you are to treat in this territory."<sup>43</sup>

#### WHY GENERAL SHERMAN'S INTRUSION INTO CIVIC AFFAIRS

One may not leave this incident of the intrusion of military authority into the civic affairs of Utah without asking by what legal authority it was done. How comes it that General Sherman, the lieutenant general and the head of

43. General Babcock's Report, so far as it relates to the "Mormons" will be found in *Deseret News* of Feb. 20th, 1867, as well as in the *Congressional Globe* of 3rd of January, 1867.

the United States army, assumes dictatorially to take President Brigham Young to task for a crime from which he is supposed in some way to have had a connection of responsibility? One is tempted to ask when did military authority in Utah displace civil authority? What has become of the national civil authority through the president of the United States, the civil executive of the territory, the governor, the federal territorial judges, and all the civil machinery local and general of the territory? Who is General Sherman that he should assume to threaten the head of a church, otherwise a common citizen of the territory, and of the country? And with him threaten a community with military discipline if not terror? For notwithstanding the general's disclaimer that what he said in his telegram was not sent "as a threat," but "as a caution," *it was a threat*, nevertheless. Else why this: "These murderers must be punished, and if your people resort to measures of intimidation, those must cease. \* \* \* I will soon have regular troops in Utah, and on the road leading there, when I hope we will receive reports on which to base accurate opinions."

The general's position is wholly untenable and unwarranted. Utah was not under military dictation, or martial law, and Sherman was not on another "march to the sea." Evidently the worthy general forgot himself. His action in this instance was as surprising as it was unwarranted, under the United States' political system.

## CHAPTER CXXXI

### THE ROBINSON HOMICIDE—ANTI-“MORMON” EFFORTS TO FIX THE CRIME ON CHURCH LEADERS—PROPOSED GENTILE EXODUS FROM UTAH

THE second homicide referred to in the preceding chapter, that of Dr. J. King Robinson, took place on the 22nd of October, 1866. He was decoyed from his home between the hours of eleven and twelve o'clock at night, upon the pretext that his professional services were required. A short distance from his house he was set upon by a number of men and killed—seven in all were seen running from the vicinity of the assault.

#### VIEW IN WHICH THE MURDER WAS UNIVERSALLY HELD

The murder threw the whole city into a state of excitement. The deed was unstintedly denounced by all parties. The *Deseret News* in its account of the killing said: “There are acts which demand the expiation of blood, and this is one of them. \* \* \* We sincerely trust that no efforts will be spared and that the utmost vigilance will be exercised by the officers of justice and every one who can bring any light to bear on the subject, until the criminal or criminals shall be brought to justice.”<sup>1</sup> The city offered a reward of \$1,000 for the apprehension of the murderers; the county authorities duplicated this sum; by private subscription a reward of \$7,000 was raised for the same object, making \$9,000 in all. Brigham Young headed this list by subscribing \$500.<sup>2</sup> Somewhat later President Young in a public address in the Salt Lake tabernacle very roundly denounced the crime, classifying it with the massacre at Haun’s Mill, in Missouri, with the

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1. *Deseret News*, weekly, of Oct. 31st, 1866.

2. Other prominent members of the “Mormon” church subscribing to this fund a like sum were W. S. Godbe, Wm. H. Hooper, Wm. Jennings, Kimball & Lawrence; Walker Brothers, “Mormon” merchants subscribed \$600. A number of others subscribed \$200 and \$100. (See *Deseret News* of Oct. 31st, 1866, for a complete list).



slaying of Joseph and Hyrum Smith at Carthage, and the Mountain Meadows Massacre, and urged that no efforts be spared to find the murderers. It is due to the president that his remarks on the subject be given at length:

"I will tell the Latter-day Saints that there are some things which transpire that I cannot think about. There are transactions that are too horrible for me to contemplate. The massacre at Haun's Mill, and that of Joseph and Hyrum Smith, and the Mountain Meadow's Massacre and the murder of Dr. Robinson are of this character. I cannot think that there are beings upon the earth who have any claim to the sentiments and feelings which dwell in the breasts of civilized men who could be guilty of such atrocities; and it is hard to suppose that even savages would be capable of performing such inhuman acts. To call a physician out of his bed in the night under the pretext of needing his services, and then brutally kill him in the dark is horrible. 'Have you any idea who did that horrible deed?' I have not the least idea in the world who could perpetrate such a crime. I say to all concerned, cease not your efforts until you find the murderers; and place the guilt where it belongs."<sup>3</sup>

#### THE ROBINSON INQUEST

An inquest was immediately held in Salt Lake City, before Judge Jeter Clinton, the city coroner, who was assisted on the bench by Chief Justice Titus of the supreme court of the territory and Associate Justice Solomon P. McCurdy. Special counsel were also brought into the case. With Seth M. Blair, territorial prosecuting attorney, and Hosea Stout, the city attorney, was associated Captain C. H. Hempstead, late of the California volunteers; and to these were added, later, Hon. John B. Weller, ex-governor of California, and Thomas Marshal, Esq., then and subsequently a prominent member of the Utah bar for many years. Certainly nothing was lacking in dignity and power and ability in the coroner's court, yet successive sessions through eight days could reveal nothing further than was expressed in the final decision of the coroner's court—

"The deceased died by the hands of some persons unknown to the jury."<sup>4</sup>

3. *Deseret News*, Jan. 9th, 1867, also *Journal of Discourses*, vol. xi, p. 281.

4. See *Deseret News*, of Nov. 14, 1866.

The speech of ex-Governor Weller before the coroner's court was wholly devoted to fixing suspicion for the Robinson homicide upon the "Mormon" church leaders.<sup>5</sup> As an example of this tendency of the inquiry, the city attorney, replying to some remarks by ex-Governor Weller in the case, cites how a "Mormon" policeman, Mr. Heath, was seen moving from the vicinity of the murder and was suspected, and arrested on the charge of murder. It was clearly proved, however, that he was but on an errand of mercy at the time "going for a doctor for the suffering man." (Dr. Robinson was not instantly killed, but never regained consciousness after the assault upon him). "Another man is brought on the stand," says Mr. Stout, "who was himself close by the murder and saw it done, he swears; he avers things that are impossible. What is the result? It is said he must have lied. No one wants him referred to. He was not a Mormon; 'don't have him arrested,' notwithstanding a pistol was found on the street, subsequently, on the way that some of the presumed assassins ran and (was) claimed by him. \* \* \* The whole effort is to make this (case) a means of raising party spirit." The same impression of the *News* editorially refers to the same matter, and adds: "Was not everything that had the slightest appearance of throwing blame upon a 'Gentile' carefully avoided? And was not every item of information tending to fasten blame upon a 'Mormon' vigorously followed up?" Mr. Stout also said: "If the murderers could not be detected in that direction [i. e. among the church leaders], it did seem to me from the gentleman's speech (ex-Governor Weller's), and the course pursued, that they had no use for any further knowledge of it."<sup>6</sup>

An effort was made before the coroner's court to involve the Salt Lake City police in the assassination of Dr.

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5. See *Deseret News* of Nov. 14th, 1866. Also in *Rocky Mountain Saints*, Appendix, pp. 735-741, where Stenhouse gives Weller's first speech complete—excepting the closing paragraph—but fails to give the very effective and spirited answer to it by the city attorney, Hosea Stout, Esq.

6. *Deseret News* of Nov. 14th, 1866.

Robinson, but only to involve them in the crime as the agents of Brigham Young. To this end nineteen questions were submitted at the inquest from the speech by ex-Governor Weller, in which the following were numbered:

"Is there not an organized influence here which prevents the detection and punishment of men who commit acts of violence upon the persons or property of 'Gentiles'?"

Was the murder committed for the purpose of striking terror into the 'Gentiles' and to prevent them from settling in this territory?

Are all legal questions which may arise in this city between 'Mormons and Gentiles' to be settled by brute force?

Do the public teachings of the tabernacle lead the people to respect and obey the laws of the country, or do they lead to violence and bloodshed?"

To the question as to whether or not there was an "organized influence" in Utah to prevent the regular and just enforcement of the law, the city attorney, Mr. Stout, declared most emphatically that there was, but that it existed among a scheming coterie of United States officials and their immediate non-"Mormon" associates. "Ever since this has been a territory," said Mr. Stout, "judges have been trying to nullify the efforts of the legislature. 'The legislature cannot make this law! Now [to the criminals] you may go and steal!' This has been the practical working. And yet here we are accused of systematized organization to break the law that we have had such a constant struggle to sustain." Earlier in his speech Mr. Stout had said that the police had been severely catechised as to whether or not there were secret combinations in Salt Lake City "to commit crime, to violate the law, to trample on the rights of citizens, and to take life. There was no information elicited at that period to show that this was the case." "I informed the gentleman who spoke," said Mr. Stout, "that there were such combinations in this city, and I knew it, but had not proof sufficient for a court of justice—combinations to violate the law and set it at defiance, and do as they pleased independent of law. I requested that the gentleman would prosecute that inquiry

vigorously with every witness called; but after the examination of the police was through, I do not think the question was asked. Yet combinations of this nature do exist to the knowledge of this court and jury. They have covenants that the members will not testify against each other in courts of justice; and they do as they please despite of the law. Why was this not inquired into? The inquiry went direct to the president in the stand [i. e. to President Young], and nowhere else.””

#### DIVISION OF COMMUNITY SENTIMENT

The unfortunate division of the community into two hostile parties, “Momon” and anti-“Mormon,” doubtless affected this inquiry as it did nearly every criminal act and the investigation of it in the city or territory during those troubled years. On the one side it was surmised that Dr. Robinson had been killed by parties carrying out secret instructions from leading “Mormon” church authorities, in the furtherance of their alleged hostility to the presence of Gentiles in the territory; and on the other side it was claimed that in the investigation the whole effort was to fasten the crime, in any event, upon the leaders of the church, or their supposed agents; that when the developing evidence failed to give promise of this result the formidable array of Gentile lawyers engaged in the case lost interest in it, and failed to push the inquiry into any other direction. Especially was an effort made to lay the responsibility for the crime upon the tabernacle utterances of Brigham Young. President Young, however, defied with great vigor all the anti-“Mormon” animus displayed; and boldly challenged them to the proof of the issue they had raised; but nothing came of it.

#### PRESIDENT YOUNG’S DEFIANCE OF CHARGES

In a public discourse in the “Old Tabernacle,” President Young said:

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7. *Deseret News* of Nov. 14th, 1866, p. 395.



"Ex-Governor Weller was assisted in the investigation of this matter [the killing of Dr. Robinson,"] said the president, "by the best counsel that could be had. The great drift of that investigation was to trace that murder to the pulpit of the tabernacle. I sent word to them by those who I thought would tell them while they were in session where they sat day after day and week after week, not to cease their investigations until they had traced that murder to Brigham Young if it was possible. I also sent word to them to call upon Brigham Young for examination. \* \* \* If President Young is guilty of any such crime, trace it to him. \* \* \* If the outsiders think that I am guilty of the crime, let them trace it to me and prove it on me. If any man, woman or child that ever lived has said that Brigham Young ever counseled them to commit crime of any description, they are liars in the face of heaven. If I am guilty of any such thing, let it be proved on me, and not go sneaking around insinuating that Brigham knows all about it. Infernal thieves will come into my office and sit ten minutes, and then go out and lead thoughtless persons into the practice of thieving, saying: 'It is all right; I have been up to see the president.' Such men will be damned."<sup>8</sup>

#### THE LAND-JUMPING PERIOD IN UTAH

The circumstances that led up to the suspicion that the city police were implicated in the assassination of Dr. Robinson, inspired thereto, as was alleged, by Brigham Young, are as follows:

Salt Lake City and vicinity was just then passing through a land-jumping experience that created great uneasiness among the people. The rumor had evidently gone forth that defective titles, or, technically, no land titles at all were held by Salt Lake City, and that much of the land claimed by the city and highly valuable, might be entered as public domain, since it was questionable if the territorial legislature had really taken all the necessary steps to create a legal municipal government. In anticipation of the litigation that would rise from these conditions there was an influx of attorneys into Salt Lake City, who were looking for profitable employment. Writing to his sons, Brigham Young Jun., and John W. Young, under date of Aug. 11th, 1866—both being upon missions in England at the time, and th

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8. *Journal of Discourse*, vol. xi, pp. 280-282.

former the president of the European Mission—President Brigham Young said:

“We have had quite an influx of lawyers into the city of late. Like the birds of prey they snuff the carcass from afar. Business is poor where they have been; but they imagine that with the land claims and other business the enemies of the truth promise them here, they will reap an abundant harvest. Armies have not been found to operate well in breaking us up, but it is now hoped that vexatious law suits and setting up and enforcing claims for our land, may do it.”<sup>9</sup>

The president also made public allusion to these characters. Speaking in the tabernacle, in Salt Lake City, on the 12th of August, 1866, he said:

“Brother George A. Smith this afternoon has referred to the lawyers. Where the carcass is there will the eagles be gathered together, and it seems they think that there is one here to which they are gathering. I want them to live here; but I want them to plant their own potatoes and hoe them. It would appear that they think that a civilized community cannot live long together without contention and consequent law suits. I think that a community is civilized so far as it is free from contentions, law suits, and litigation of every kind. We wish our friends to come here, and participate with us in the good things the Lord has provided for his people; but we do not want contention. \* \* \* What is the true relationship of lawyers to the law and to the community? They should be the true representatives of peace; it should be their business to promote it. \* \* \* It should be considered beneath the profession of a lawyer to endeavor to clear the guilty, and place the innocent in bonds or bring them into disrepute. I wish to say to that class of gentlemen who are here, that if they expect to break up this people by law suits, I think they will have a hard time. I will use my influence with every good man, whether he is in the church or out of it, never to think of going to law. What comes of litigation? Poverty and degradation to any community that will encourage it. Will it build cities, open farms, build railroads, erect telegraph lines, and improve a country? It will not; but it will bring any community to ruin. \* \* \* We have not been broken up, as has been anticipated, by military force, and now it is expected that a course of law suits will accomplish what the military failed to do. I will say one thing to my friends, or to my enemies, as they may consider themselves (I myself am not an enemy to any man, yet I am an enemy to some actions), if you undertake to drive a stake in my garden with an intention to jump my claim there will be a fight before you get it; if you come within an enclosure of mine with any such intent, I will send you home, God being my helper. You can occupy and build where you please, but let our

9. *Millennial Star*, vol. xxviii, p. 604.

claims alone. We have spent hundreds of thousands of dollars in taking out the waters of our mountain streams, fencing in farms and improving the country, and we cannot tamely suffer strangers, who have not spent one day's labor to make these improvements, to wrest our homesteads out of our hands. There is land enough in the county; go to and improve it, as we have improved our possessions; build cities, as we have done, and thus strive to reclaim the country from its wild state. Is it not a strange thing that men cannot see anything only what the 'Mormons' possess; hence, I swear it, by the Gods of eternity, if we are obliged to leave this country, we will leave it as desolate as we found it, and we will hunt those who would compel us to leave to the last minute. Let us alone, and help us to build up cities and towns and villages in these mountains, instead of seeking to destroy the few industrious inhabitants that are here and have made the country."<sup>10</sup>

#### SALT LAKE'S MUNICIPAL LANDS MENACED

Through the months of August, September, and October a number of attempts were made to jump land claims; the city's public squares were threatened and these public places were fenced to prevent "squatters" from settling upon them. The militia parade ground over Jordan, west of the city, the city's race course, together with some private claims on the east side of the river were seized by land jumpers. The result was that great excitement was aroused and measures taken to resist these encroachments upon the rights of the city, and upon the rights of the old settlers. "Several of the citizens of Salt Lake City," says a passage in the *History of Brigham Young, Ms.*, "went to the race course on the other side of Jordan, a little south of the sixth ward bridge, and ducked in the river some 'squatters' who had laid claims to the land over there. They begged for their lives and promised to quit the country. Some board buildings on this, [the east] side of the river, a little north of the main Jordan bridge, were summarily taken down and thrown into the river. Considerable excitement [has existed] of late in relation to squatting on lands near this town, which has caused the 'city fathers' to survey the land lying east of

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10. *Journal of Discourses*, vol. xi, p. 257, et seq.

the 20th ward and the 11th ward, and give it out gratuitously to the brethren by drawing lots."<sup>11</sup>

#### LAND-JUMPING ELSEWHERE THAN IN UTAH

The spirit of this land-jumping regime in and about Salt Lake City, and the manner in which responsibility for whatever was done in resisting it was attributed to Brigham Young, is well expressed in a letter from President Young to his son, John W. Young, under date of September 27th, 1866:

"Attempts have been made by various ones of our enemies here to 'squat' upon our public squares, parade ground, race course, etc., and in the city these public places have been fenced to prevent 'squatters' from settling upon them. The city and individuals have been compelled to go to considerable expense to guard against these depredators. They would not leave us a spot of ground to stand on, if they had the power to crowd us out. The other night a number of persons made a descent upon some of those 'squatters' and gave them a thorough fright. It is not known who they were, but there has been some little excitement among a certain class in consequence, and they would like to fasten the instigation of these operations on me, if they could. The inconsistency of our enemies on all such matters is surprising. When it suits their purposes to say that my influence and power are decreasing, and that the people are becoming regenerated and enlightened, then they will assert that, and try and make the world believe that the overthrow of the priesthood is on the eve of being accomplished. But on the contrary, when their purposes are better suited by stating that I am the author of every movement among the people, they will state that also. They are unwittingly led to acknowledge, in this way, the power and authority of the priesthood."<sup>12</sup>

#### DR. ROBINSON'S CONNECTION WITH MUNICIPAL LAND-JUMPING IN SALT LAKE CITY

It was during this land-jumping regime that Dr. Rob-

11. *History of Brigham Young, Ms.*, 1866, p. 752. Stenhouse says that the parties who promised to leave the country were Lieutenant Brown and Dr. Williamson, formerly of the California volunteers, and that they "accepted the interference, and promised to leave the country, which they did" (*Rocky Mountain Saints*, p. 618).

12. *Millennial Star*, vol. xxviii, p. 733. The *Union Vedette* sought to justify these land seizures on the plea that the lands were not occupied or put to use by their owners; meantime men who had served their country as soldiers were kept from occupying them; a ridiculous contention in view of the amount of public lands then available for such persons, without jumping the claims of other people. (See *Union Vedette* of Oct. 19th and 23rd, 1866).



inson seized upon the Warm Springs property, a tract of about eighty acres of land, with warm mineral springs upon it within the northern limits of the city corporation. The city had covered the springs with buildings, and for sixteen or seventeen years, either directly or indirectly, had conducted the place as a public bathing resort. In assertion of his claims Dr. Robinson erected a shanty upon the property, which the city council ordered the marshal to destroy, and eject the intruder. This action was taken, whereupon the case was brought before the chief justice of the territory, Judge Titus, who rendered a decision against the contention of Dr. Robinson, which contention was that the corporation of Salt Lake City had no legal existence because the acts of the legislature of the territory of Utah for 1859-60, containing the charter of Salt Lake City corporation, were not submitted to the president and congress of the United States as required by the organic act of the territory. In proof of this contention the journal of the house of representatives of the United States for 1860-61, was produced, "an inspection of which disclosed no minute of the receipt by that house of the laws of Utah for 1859-60."<sup>13</sup> Such the contention which Judge Titus overruled in favor of the city.

In addition to this controversy over the Warm Springs property, Dr. Robinson owned a "bowling-saloon" or "alley," which, on complaint of citizens that it was a nuisance, a gambling den, and a place where liquor was sold contrary to the city ordinance, the police entered and demolished.<sup>14</sup> The case was taken before the courts by Dr. Robinson and was pending at the time he was killed. On the 20th of October Robinson, under the advice of his counsel, had gone

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13. The decision of Judge Titus will be found complete in *Deseret News* of October 24th, 1866. It is a very carefully prepared decision; and was submitted in writing that it might "be reviewed and rectified by a higher tribunal, if erroneous."

14. "It was a gambling house, and a liquor hell-hole besides, diametrically opposed to the city ordinances, and that is within the knowledge of members of this court to my knowledge. Then why make a sanctified thing out of that?" (Speech of city attorney in open court at the Robinson inquest, *Deseret News* of Nov. 14th, 1866).

to the house of the mayor of the city, Daniel H. Wells,<sup>15</sup> to give notice that he intended to hold the city responsible in damages for the destruction of the bowling alley. As soon as the mayor learned who the doctor was he ordered him from his house.

Aside from these unpleasant relations with the city, Dr. Robinson is said to have been a man of good character. He was a native of the state of Maine, but came to Utah from California in 1864, under an appointment as assistant surgeon at Camp Douglas. When the California volunteers were mustered out of service Dr. Robinson took up the practice of his profession in Salt Lake City. He married the daughter of John M. Kay, who had been a prominent elder in the Latter-day Saint Church,<sup>16</sup> though the branch of his family into which Dr. Robinson married had become indifferent to the faith. Dr. Robinson was an active member of the anti-"Mormon" clique in Salt Lake City, a personal friend of Rev. Dr. McLeod (then delivering anti-"Mormon" lectures in Salt Lake City), and the superintendent of the "Gentile Sunday School." None of these facts and relationships pertaining to the doctor could have any bearing upon his assassination, except his controversies with the city, and these were not serious enough to warrant the belief that they constituted the motive for murdering him.

The effort was made at the inquest, as already stated, to fasten moral responsibility for the crime upon the tabernacle teaching of the "Mormon" church authorities; and the actual crime upon the city authorities acting through the police force; but ex-Governor Weller, chief counsel in the Robinson inquest, in his second speech was forced to say:

*"I have not one particle of proof to fasten this murder upon the police of this city. \* \* \* I have no evidence to charge the police with*

15. General Wells had been elected mayor at the municipal election in Feb., 1866, four months after his return from the presidency of the European Mission, Oct., 1865. He succeeded Abraham O. Smoot, who had served as mayor for more than nine years.

16. John M. Kay died on the Little Laramie, on the 26th of Sept, 1864, when returning from a mission in England.

*this murder; but I do charge them with want of vigilance. \* \* \* Gentlemen of the jury, I have no doubt about your verdict—that this man [Robinson] was killed by a band of six or seven men unknown to you. Again I say that I have not one particle of evidence by which I could fasten upon any single individual that I believe was engaged in this murder. If I had, before God I would avow it.”*<sup>17</sup>

#### STENHOUSE THEORY OF THE ROBINSON MURDER

Stenhouse doubtless suggests the most reasonable hypothesis of the unfortunate and indefensible affair, *viz.*, that the killing of Robinson was not a premeditated murder; that the design was “to give him a beating and some rough usage,” as had been done in the case of others engaged in these land-jumping operations. But Robinson was a young, athletic man, and when he first discovered so many men of evil purpose about him, he very likely became alarmed, “and in seeking to disengage himself from them, probably recognized some of them, and for their own protection and concealment the fatal violence was resorted to.” Stenhouse further suggests that if there had been a settled purpose to kill the doctor it does not seem reasonable that seven men would have been entrusted with the work—“they were too many to entrust with such a secret; neither would they have attacked him within seventy-five steps from his own door, and at a place surrounded by houses.”<sup>18</sup> This hypothesis seems all the more reasonable when considered in connection with the general land-grabbing regime that had been instituted by a number of non-“Mormons” of the city, and the manner in which it had been met by the old citizens, namely, by beating and ducking in the Jordan and otherwise intimidating the intruders upon their lands. And while even these minor acts of violence and intimidations are not justifiable in a civilized land, and under a regular government, it is some measure of relief, and due to the vindication of our human nature, to set down the probabilities that point to some intent less vicious than de-

17. *Deseret News* of Nov. 14th, 1866.

18. *Rocky Mountain Saints*, pp. 618-9.

liberate and cowardly assassination on the part of those implicated in the Robinson homicide.

#### LAND-JUMPING: ILLINOIS

Meantime the fact should not be lost sight of that these actions in resistance of land-jumping—indeffensible as confessedly they are before the bar of public opinion, of civilization, and of history—are not singular to Utah, the *habitat* of the “Mormon” people at the time. What was done in that territory has been done in every state and territory where the offense of claim-jumping, either in lands or mines, has made its appearance—*viz.*, physical community resistance to such intruders, though the violence was illegal. Thomas Ford, governor of Illinois from 1842-1846, has noted a period of land-jumping in the history of Illinois that is most instructive, on the subject for which he uses it, *viz.*, the consideration of “The Cause of Mobs in a Free Country.” The passage follows:

“Previous to the year 1840, other mobs were rife in the northern part of the state (Illinois). The people there had settled without title, upon the public lands of the United States, which were then neither surveyed nor in market, and they had made valuable improvements on these lands, by building mills worth ten thousand dollars, opening farms, frequently of four or five hundred acres, and whole villages of six or eight hundred inhabitants, were built on them. By a conventional law of each neighborhood, the settlers were all pledged to protect each other in the amount of their respective claims. But there were mean men, who disregarded these conventional arrangements. Such as these belonged to that very honest fraternity who profess to regulate all their dealings by the law of the land. Such men had but little regard for public opinion or abstract right; and their consciences did not restrain them from ‘jumping’ a neighbor’s claim, if they could be sustained by law and be protected against force. It soon became apparent to every one, that actual force was the only protection for this description of property. And although the most of the settlers were from the eastern states; from the land of steady habits, where mobs are regularly hated and denounced, and all unlawful fighting held in abhorrence; yet seeing themselves left without legal protection and subject to the depredations of the dishonorable and unscrupulous, they resolved to protect themselves with force. Many were the riots and mobs in every county, arising from this state of things. Every neighborhood was signalized by some brawl of the kind. The old, peaceful, staid, puritan Yankee,



walked into a fight in defense of his claim, or that of his neighbor, just as if he had received a regular backwoods education in the olden times. It was curious to witness this change of character with the change of position, in emerging from a government of strict law to one of comparative anarchy. The readiness with which our puritan population from the east adopted the mobocratic spirit, is evidence that men are the same everywhere under the same circumstances. That which any man will do, depends more upon his position, upon the laws and government, and upon the administration of the laws, than to mental or physical constitution or any peculiar trait of character or previous training."<sup>19</sup>

CALIFORNIA: SACRAMENTO—SAN FRANCISCO

If further evidence were necessary in proof of what is here set forth, that violent resistance to land-jumping is not confined to Utah, it would be found in the history of land-jumping in and about Sacramento, California, from 1848-1850, in which lawlessness prevailed well-nigh to the point of anarchy; riots were frequent, and bloody reprisals followed one another in rapid succession.<sup>20</sup> Similar troubles were experienced in San Francisco intermittently from 1851 to 1854, resulting in fights between the "squatters" and the officers of the law who were ordered to eject them. In 1853, "all about San Francisco, at the presidio and the mission, lots were settled upon without title. One of the public squares was treated as public domain. The Odd Fellows cemetery was seized, which two years before had been conveyed by deed to the society by Sam Brannan." "It was believed," says Bancroft's account of these San Francisco land-jumping cases, "that an organization of wealthy men was at the bottom of the squatterism of 1853, who furnished means for carrying on the seizures of lots with a view to obtaining the lion's share." He relates how in June, 1854, "a pitched battle" was fought between a party of "squatters" on a Mr. Folsom's property on First street, and a party of fifteen placed to defend it. One man was killed and several persons wounded. "After this

19. Ford's *History of Illinois*, 1854, pp. 245-6.

20. See Bancroft's *History of California*, vol. vi. It takes six pages of fine print notes to detail the account of the riots and other lawless acts in resistance of land-jumping in the city of Sacramento alone, which the author gathers and condenses from the California periodicals then current.

affair the property holders in San Francisco," Bancroft declares, "organized, and forty-eight policemen were added to the force. Houses were fortified and besieged. At one house on Green street a woman holding a child in her arms was shot and killed. *The occasion of this outbreak* [i. e. of "squatterism"] *was that the title of the city of San Francisco was undergoing examination by commissioners; all kinds of rumors were afloat, and opportunities supposed to be afforded of securing lots.* For several years more these troubles were recurring."<sup>21</sup> One source of the land-jumping troubles in California during these years was clearly indicated by the *Sacramento Union* of June 29, 1855. It suggested as a remedy of the evil that the people "*fee no lawyers.*"<sup>22</sup> In 1856 came the famous Green case, during the continuance of which the vigilants arrested the holder of important documents concerning the city's title to the mission lands, on a trumped-up charge, in order to get possession of those documents, which Green himself had obtained by trickery from Tiburcio Vasquez, and which he sold to his captors for \$12,500, though he brought suit afterward for \$50,000 damages, of which he got \$150.

These instances of lawlessness in California and Illinois are not cited here in justification of cases of lawlessness that occurred in Salt Lake City in resistance of land-jumping. The purpose is to show that such acts are not peculiar to Utah, and a Latter-day Saint community; but are practically the same in every state or territory of the United States where they occur; only that in Utah, the *habitat* of the Latter-day Saints, the provocation with all attendant circumstances considered, including the ability of said community to resist the arrogance and injustice involved in the aggression upon their rights, the Utah cases, as compared with what was done

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21. Bancroft's *History of California*, vol. vi, pp. 334-5, note.

22. *Green's Life and Adventures, Ms.*, pp. 1-86, quoted by Bancroft, *Ibid*, p. 335.

in kind in other communities, are very few, and the punishment inflicted mild.

#### USE OF THE "BOYCOTT" IN SELF-DEFENSE

The "squatters" as the land-jumping aggressors were called, quite generally received sympathy and encouragement from the Gentile population, from the non-"Mormon" merchant firms, and the anti-"Mormon" press—the *Union Vedette*; and such was the bitterness engendered by this course, that as a measure of retaliation and protection to the Latter-day Saint community, against whom the aggressions of land-jumping was aimed, a boycott was advised against individuals and firms known to be in sympathy with these and other measures—some of them of a political character—against the old settlers of Utah.

The Latter-day Saints, primarily engaged as they were in founding settlements, constructing roads, erecting local telegraph lines, preaching the gospel, and gathering the poor from the various nations where they received it, had allowed the more lucrative and easily managed business of merchandising and banking, to gravitate very largely into the hands of the non-"Mormons" of the community.

#### THE PROPOSED PLAN OF 1860

As early as July, 1860, Captain W. H. Hooper, John Sharp, Bishop E. D. Woolley, Daniel H. Wells and a number of other leading brethren had proposed to President Young the organization of a wholesale "Merchants' Association Company" for the shipment and sale of merchandise in the territory. The purpose of the association was to be not so much the creation of a mercantile establishment, as to benefit the community by establishing more reasonable prices for necessary merchandise. A thing very necessary, and emphatically pointed out by the remarks of Bishop Edwin D. Woolley, who said "that it was time something was done to stop the bleeding of the people in regard to means." He said

"there was a prejudice existing against any 'Mormon' who embarked in the business of merchandising, but there was no prejudice against any person who did not belong to us, no matter how much they imposed upon the people, and when trouble came upon us would pack up their goods and the immense fortunes they had made and leave us to ourselves to bear the burden."<sup>23</sup> As explained by Captain Hooper the plan was to establish an association—in which the shares would be \$100 each, drawing interest at ten *per centum per annum*,—doing business on the wholesale principle. "Open a ledger account with each article, showing profit and loss upon each article, and at the end of three years strike a dividend and pay to each member of the association his share of profit, *pro ratio* of the goods and cash." When the plan was submitted to President Young, however, while he conceded that in a general way the proposition was a good one, he doubted the willingness of the people to trust their means in such an enterprise, and suggested as a counter-proposition the larger encouragement of home manufactures, as at that time it would be more advantageous to the community to manufacture than to import goods. He was opposed to the plan suggested, that kind of business was not for the Latter-day Saints (doubtless meaning for the time being); the kingdom was for them (i. e. preaching the gospel and gathering the saints); that the plan if adopted would fail. At this the scheme was abandoned, and the meeting of the association adjourned *sine die*.<sup>24</sup>

#### THE PLAN OF 1865

Five years later, however, *viz.*, at the semi-annual October conference of the church of 1865, President Young advised a change in this policy; and urged the brethren to enter into trade and establish themselves in the business of merchandising. Too long the community had been sustain-

23. *History of Brigham Young, Ms.*, 1860, p. 233.

24. *Ibid*, entries for July 4th, and 11th, 1860, pp. 233-4.



ing many who had little or no interest in the community welfare, and it was time that the Latter-day Saints in their own interests, in many ways, pay more attention to this department of business activity. His remarks on that occasion were as follows:

"We propose to the bishops, presiding elders and leading members of the church, who are here assembled to represent the kingdom of God upon earth and to all those who are not here, who act in these capacities in the various places where there are saints gathered together, to do their own merchandising and cease to give the wealth which the Lord has given us to those who would destroy the kingdom of God and scatter us to the four winds, if they had the power. Cease to buy from them the gewgaws and frivolous things they bring here to sell to us for our money and means—means that we should have to bring the poor here, to build our temples, our towers, ornament our public grounds, and buildings, and to beautify our cities. For, as merchandising has been generally conducted here, instead of having our means to perform these public works, it has been borne away by our enemies by the million.

I wish the brethren, in all our settlements, to buy the goods they must have, and freight them with their own teams; and then let every one of the Latter-day Saints, male and female, decree in their hearts that they will buy of nobody else but their own faithful brethren, who will do good with the money they will thus obtain. If we have not capital ourselves, there are plenty of honorable men whom our brethren can enter into partnership with, who would furnish and assist them whenever they should receive an intimation to that effect. \* \* \* I know it is the duty of this people to build up themselves; for our enemies will not build us up, but they will do their uttermost to tear us down. This will not apply to all; but there are enough to bark, and yelp, and growl, and snarl till the peaceable, good-meaning man dare not open his mouth. We have thousands of warm-hearted friends who dare not say anything in favor of this people. If nobody will speak for us, let us speak for ourselves; if no person else will do anything for us, let us do something for ourselves. This is right; it is politically right, socially and morally right, and it is right in every sense of the word for us to sustain ourselves."<sup>25</sup>

#### PROPOSED "EXODUS" OF GENTILES

With the bitterness that ensued during the land-jumping period it was inevitable that discrimination would be made in trade, and that each class in the rapidly rising feud would sustain those who were its friends. This tendency found

25. Conference remarks of President Young at Salt Lake City, Oct. 9th, 1865, *Journal of Discourses*, vol. xi, pp. 139-140.

encouragement in public speeches, and in the press. So sharp were the lines of separation between the two classes being drawn, and so discouraged did the Gentile merchants become—or affect to become—over what they represented as the evident desire of the “Mormon” church leaders to have all not of their religious faith leave the territory, that they made a proposition for an exodus on their part. They based their action on what they called the “intimidating” and the “coercing” of the community to purchase only of such merchants as belonged to the “Mormon” faith; and late in December, 1866, the Gentile merchants, and Gentile firms, with one or two sympathizing “Mormon” firms,—twenty-three in all—submitted in writing to the “leaders of the Mormon church” the following proposals: (1) that there should be the payment of all outstanding accounts owing to them by the members of the “Mormon” church; (2) that all their goods, merchandise, chattels, houses, improvements, etc., be taken at a cash valuation, they to make a deduction of twenty-five per cent from the total amount. “To the fulfillment of the above we hold ourselves ready at any time,” said their published card, “to enter into negotiations, and on final arrangement being made and terms of sale complied with, we shall freely leave the territory.”<sup>26</sup>

PRESIDENT YOUNG’S REACTION TO THE PROPOSED GENTILE  
“EXODUS”

To which President Young replied in a signed statement, declining to accept the proposition, and pointing out that if they could make such sales as they proposed they would make more money than any merchants had ever made in this country before, and “Mormon” merchants would like to find purchasers on the same basis.

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26. *Deseret News* of Jan. 2nd, 1867. The signing firms and individual merchants were as follows: “Gilbert & Sons; Walker Brothers; Bodenburt & Kahn; Wm. Sloan; C. Prag, of the firm of Ranschoff & Co.; Ellis & Bros., by J. M. Ellis; McGrorty & Henry; J. Meeks; F. Auerbach & Bros.; Seigel Bros.; Oliver Durant; L. Cohn & Co.; S. Lesser & Bros.; Klopstock & Co.; John H. McGrath; Gluksman & Cohn; Wilson & Fenn; Morse, Walcott Co.; J. Watters; J. Bauman & Co.; M. B. Callahan; Morris Elgutter; Thos. D. Brown & Sons.

The president's statement relative to the Gentiles withdrawing from the country, as also with reference to the class against which a boycott had been waged, and to whom alone it was then to be applied, are particularly strong, and for that reason are quoted:

"Your withdrawal from the territory is not a matter about which we feel any anxiety: so far as we are concerned, you are at liberty to stay or [to] go, as you please. We have used no intimidation or coercion towards the community to have them cease trading with any person or class, neither do we contemplate using any such means, even could we do so, to accomplish such an end. What we are doing and intending to do, we are willing that you and all the world should know. In the first place, we wish you to distinctly understand that we have not sought to ostracise any man or body of men because of their not being of our faith. The wealth that has been accumulated in this territory from the earliest years of our settlement by men who were not connected with us religiously, and the success which has attended their business operations prove this. In business we have not been exclusive in our dealings or confined our patronage to those of our own faith. But every man who has dealt fairly and honestly, and confined his attention to his legitimate business, whatever his creed has been, has found friendship in us. To be adverse to Gentiles because they are Gentiles, or Jews because they are Jews, is in direct opposition to the genius of our religion. It matters not what a man's creed is, whether it be Catholic or Episcopalian, Presbyterian, Methodist, Baptist, Quaker, or Jew, he will receive kindness and friendship from us, and we have not the least objection to doing business with him; if in his dealings he act in accordance with the principles of right and deport himself as a good, law-abiding citizen should.

There is a class, however, who are doing business in the territory, who for years have been the avowed enemies of this community. The disrapture and overthrow of the community have been the objects which they have pertinaciously sought to accomplish. They have, therefore, used every energy and all the means at their command to put into circulation the foulest slanders about the old citizens. As missionaries of evil, there have been no arts too base, no stratagems too vile for them to use to bring about their nefarious ends. While soliciting the patronage of the people, and deriving their support from them, they have, in the most shameless and abandoned manner, used the means thus obtained to destroy the very people whose favor they found it to their interest to court. They have done all in their power to encourage violations of law, to retard the administration of justice, to foster vice and vicious institutions, to oppose the unanimously expressed will of the people, to increase disorder, and to change our city from a condition of peace and quietude to lawlessness and anarchy. They have donated

liberally to sustain a corrupt and venal press, which has given publicity to the most atrocious libels respecting the old citizens.

And have they not had their emissaries in Washington to misrepresent and vilify the people of this territory? Have they not kept liquor and surreptitiously sold it in violation of law, and endeavored to bias the minds of the judiciary to give decisions favorable to their own practices? Have they not entered into secret combinations to resist the laws and to thwart their healthy operation and refused to pay their taxes and to give the support to schools required by law?

What claims can such person have upon the patronage of this community? And what community on the earth would be so besotted as to uphold and foster men whose aim is to destroy them? Have we not the right to trade at whatever store we please? Or does the Constitution of the United States bind us to enter the stores of our deadliest enemies and purchase of them? If so, we should like that provision pointed out to us. It is to these men whom I have described, and to these alone that I am opposed, and I am determined to use my influence to have the citizens here stop dealing with them and deal with honorable men."<sup>27</sup>

In a discourse delivered two days later President Young alluded to this communication of the Gentile merchants, and emphasized his position in distinguishing between Gentiles and Jews who were pursuing what he considered an honorable course, and those who were avowed enemies of the people, and the disturbers of the peace of the community. He declared his intention to continue to have business relations with the former, and to let the others alone: "We advise you," said he to his people in conference assembled, "to pass by the shops and stores of your enemies and let them alone, but give your means into the hands of men who are honest men, honorable men, and upright men—men who will deal justly and truly with all. Shall we deal with the Jew? Yes. With those who call themselves Gentiles? Certainly. We calculate to continue to deal with them."<sup>28</sup>

#### THE DANGER PERCEIVED IN THE GENTILE "EXODUS"

The Gentile merchants were scarcely complimentary to

27. *Deseret News* of Jan. 2, 1867. The document quoted bears date of Dec. 21st, 1866.

28. *Journal of Discourses*, vol. xi, p. 277, *et passim*. A strong editorial on the subject appears in the impression of the *News* of Jan. 2nd, 1867, under the caption, "The Trading Question."



the intelligence of President Young when they made this proposition to withdraw from the territory on the conditions named by them. If the Gentile claim that there was utter incompatibility between "Mormon" and non-"Mormon" in Utah could have been emphasized by a spectacular exodus of Gentile merchants from Utah, however brought about, it doubtless would have given occasion for another "Utah Expedition" to the territory or such other military display as would have inured to the benefit of speculators, contractors, and merchants, or to the long hoped for further proscription of the Latter-day Saints. Surely the Gentile merchants should have known if their action had such motive as this, that Brigham Young would have detected it; and if not, if their proposed exodus was honest and meant only that they intended to withdraw from an unpleasant situation, to end merely in their personal advantage, then they should have known that Brigham Young would know that the people of the United States would read into the facts of the exodus all the evidence they would need of the alleged incompatibility to justify, from their viewpoint, all the coercive measures against the "Mormon" community for which their enemies were clamoring. Brigham Young could not fail to apprehend the danger, and accordingly avoid it.<sup>29</sup> Besides this "exodus," if effective, could only have been temporary—other non-"Mormons" would have come—it required no extraordinary vision to know that.

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29. Whitney suggests this line of treatment of the incident. (See *History of Utah*, vol. ii, pp. 166-7.)

## CHAPTER CXXXII

### THE COOPERATIVE MERCANTILE SYSTEM—PROPOSED EXCLUSIVE- NESS OF "MORMON" TRADE—ATTEMPTED ANTI-"MORMON" NA- TIONAL LEGISLATION—ACTION OF "MORMON" WOMEN IN RELATION THERETO

THE change of policy among the Latter-day Saints of Utah with reference to trade and merchandising, treated in the preceding chapter, naturally led in many quarters to the adoption of the cooperative method of trade. Individuals were without the necessary capital to enter the new field proposed by the church leaders, and if their salutary advice to the bishops and leading elders was to be carried out, it must be by many persons with small means uniting in some cooperative plan. Encouragement was given to such necessity; and by midsummer of 1868 several cooperative institutions were under way, notably at American Fork and Lehi, in Utah county, and in other places.<sup>1</sup>

#### GROWTH OF THE COOPERATIVE PLAN OF MERCHANDISING

In the fall of 1868, the question of establishing a central wholesale and retail store in Salt Lake City was agitated. A meeting was held on the 9th of October,—the day follow-

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1. *Deseret News*, weekly, editorial of Oct. 7th, where American Fork is mentioned as having started on the cooperative plan. At Lehi a cooperative store was opened on the 23rd of July, 1868, under the name of the "Lehi Union Exchange." The shares of stock were \$25. The institution had but \$357.50 worth of goods to begin with, but procured fresh supplies as fast as they were needed. At the end of December a dividend was declared amounting to \$28.55 to each share of \$25.00. They bought the whole of their goods of Salt Lake merchants, sold them at Salt Lake retail prices, and cleared over 100 per centum. Naturally the number of shareholders rapidly increased after that showing. (*Deseret News*, weekly, Jan. 27, 1869). "Now is the time to act," said the *News* editorial of October 7th, "as the inhabitants of American Fork have acted, and as the people of other places are doing, cooperate, sell shares so low that all who earnestly desire can become shareholders, and let the entire people be merchants on the cooperative principles;" and the movement was accelerated. It was not difficult to convince the people of Utah of the value and advantage of the cooperative principle in community mercantile ventures, for many of them were familiar with its success in northern England, where it took its rise in 1844, among the flannel-weavers of Rochdale, and the founding of their "Equitable Pioneers' Cooperative Store;" whence the movement spread over all England in the course of a few years. (An interesting account of the movement is given in McCarthy's *History of Our Own Times*, American edition, vol. iv, pp. 145-153).

ing the close of the general semi-annual conference—by a council of the leading men of the church, “and it was decided to take immediate steps to establish a cooperative mercantile business, wholesale and retail, to supply the wants of the people of the territory. Over \$70,000 was subscribed in the council.”<sup>2</sup> Other meetings followed within the next few days, and the leading elders were sent into the various wards of Salt Lake City, and adjacent settlements to present the subject for the acceptance of the people.<sup>3</sup> On the 15th a meeting was held in the City Hall, at which about one hundred were present. Brigham Young was chosen president and W. H. Hooper vice president of “Zion’s Cooperative Association.” George A. Smith, George Q. Cannon, Horace S. Eldredge, H. W. Lawrence, and Wm. Jennings were chosen the board of directors; and a committee was appointed to draft a constitution and by-laws for the association.<sup>4</sup>

Notwithstanding this central organization, however, the movement dragged somewhat in its development. Indeed the movement for cooperative stores seemed much more popular in other parts of Utah than in the capital of the territory—the headquarters of the church.

#### THE COOPERATIVE INDUSTRIAL EXPERIMENT AT BRIGHAM CITY

At Brigham City, Boxelder county, a cooperative movement had begun in 1864, which was rapidly achieving success under the direction of Elder Lorenzo Snow of the council of the twelve apostles; and was destined to carry community cooperative industry to its highest achievement in Utah.

The history of this cooperative industrial experiment, under the title of the “Brigham City Mercantile & Manufacturing Association” is given by Lorenzo Snow in a letter to Bishop Lunt, of Cedar City, Oct., 1876. The writer states

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2. From the Historian’s Office Journal, copied into *History of Brigham Young, Ms.*, 1868, p. 1178.

3. *Deseret News*, weekly, of Oct. 14th, 1868, contains the names and assignments of the speakers complete.

4. *Deseret News*, weekly, of Oct. 21st, 1868. The committee were F. D. Richards, Aurelius Miner, Henry W. Naisbitt and Joseph Woodmansee.

that the association began operations in Brigham City over twelve years before [1864], recites some of their experiences, and gives the status of the institution at the date of his letter. In addition to a company store they founded a woolen mill, tannery, hat factory, lumber mills, a dairy, beginning with sixty cows, which were finally increased to five hundred head; sheep and cattle herds; horticulture and agricultural departments, also a carpenter and mason's department. At the height of its development, the association comprised between thirty and forty industrial branches, with a superintendent over each. A series of misfortunes, not due to the system, however, brought the experiment to its close a few years after the date of the above letter. These misfortunes were the burning down of the woolen mill, at a loss of \$30,000; the "scrip" which they issued as a medium of exchange within the association was illegally taxed as "currency," and pending an appeal to the supreme court of the United States the amount, \$10,200, had to be borrowed and paid. Six years later the supreme court decided against the collector, but the decision came too late to be of benefit to the association beyond restoring the amount it had borrowed. There was also an illegal raid upon a sawmill encampment in Idaho, on the pretext of levying "stumpage tax," resulting in a direct loss of from \$6,000 to \$8,000, besides the indirect loss of the contract with the Utah Northern Railway and the breaking up of the lumber mills. These losses, together with several destructive years of grasshoppers and drought, and the panic year of 1873, proved too much for the "Cooperative Association," and it finally went out of existence.<sup>5</sup>

#### THE PROVO MOVEMENT

At Provo the movement forged ahead quite rapidly and for a time promised to become the headquarters of the general

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5. For the above and much more pertaining to this interesting and for many years successful cooperative effort, see *Biography and Autobiography of Lorenzo Snow* by his sister, Eliza R. Snow, chapters xxxviii to xlii, inclusive, and chapter lx, p. 451.



movement.<sup>6</sup> Brigham Young gave encouragement to the Provo organization, effected early in 1869, by becoming a stockholder, and also by suggesting that the Provo institution purchase directly from the east rather than from Salt Lake merchants. This action had the desired effect, the Salt Lake merchants bestirred themselves; and on March 1st, 1869, a wholesale branch of the Zion's Cooperative Mercantile Institution was opened in the Eagle Emporium Building, rented of Mr. Jennings.<sup>7</sup> Another wholesale branch was opened a few days later in the old "Constitution Building," previously occupied by the Eldredge and Clawson firm of merchants. About a month later, April 21st, a retail branch was opened in a building previously occupied by Messrs. Ransohoff and Company.<sup>8</sup> H. B. Clawson became the general superintendent of the concern. Thus what finally became the great central cooperative mercantile institution of Utah was launched upon its career. The Provo cooperative store became a branch of this central institution at Salt Lake City; and branch houses were organized in Ogden, Logan and elsewhere.

Commenting upon the establishment of this central cooperative institution which was so largely of the nature of a business revolution, the *Deseret News* said:

"We have never witnessed in peaceful times among us a more willing, unselfish and magnanimous spirit, than has been exhibited by many of our merchants in aiding in the establishment of this cooperative institution. They have been ready and desirous to do all that could be asked of them. What might be looked upon as their own personal interests, viewed from the standpoint generally occupied by men, have not been considered; but when it was fully decided that it was wisdom to establish this institution, they arranged their own business in such a

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6. The likelihood—for a time—of Provo becoming the headquarters of the central institution is discussed at length by Whitney, in his *History of Utah*, vol. ii, ch. xiii. He represents the possibility of Provo becoming the headquarters of the cooperative movement being used by Brigham Young as a spur to the inactive organization in Salt Lake City, and to suppress a rising opposition on the part of some "Mormon" merchants, who saw in the new movement a likelihood of their losing some of the personal advantages and opportunities they then possessed.

7. See *Deseret News*, daily, March 1st, 1869.

8. *Deseret News*, daily, April 21st, 1869.

manner that it would not interfere in the least with the successful carrying out of the proposed plan. This change, to those who do not understand the principles in which the Latter-day Saints believe, and upon which they act, must, to say the least, have been surprising. To see men in the full tide of success perfectly willing to invest largely in the cooperative institution, to change their business, or even retire from it altogether, and rent their buildings, and to do all in their power to make a plan a success, which, according to the ideas that prevail in the world, if successful, must inevitably result in injury to their business, is something so remarkable that it can not escape comment. It is only another proof, however, added to the many which the world have already received, of the devotion of the Latter-day Saints to principle."<sup>9</sup>

#### THE CENTRAL COOPERATIVE MERCANTILE INSTITUTION FOUNDED

The Zion's Cooperative Institution began its operations, under a constitution and by-laws which announced its purpose, but it was not incorporated as a company until the year following—March 1st, 1869. Indeed there was no law under which such a company could incorporate until the passage of the general incorporation act by the legislature approved February 18th, 1870.<sup>10</sup> In its first circular, including the proposed constitution under which it would act, the preamble announced that the parties forming the institution were "convinced of the impolicy of leaving the trade and commerce of the territory to be conducted by strangers;" and therefore had resolved "to unite in a system of cooperation for the transaction of their own business." In its advertisement in the *Deseret News* it was announced that the object of the concern was "the consolidation of the mercantile interests of this territory [Utah] and the distribution of general merchandise to the people at a small margin of profit." In the body of the first constitution (sec. 20 and 21) it provided that—

"No person or persons shall be eligible for membership, except they be of good moral character and have paid their tithing according to the rules of the Church of Jesus Christ of Latter-day Saints.

The directors of this institution shall tithe its net profits prior to any declaration of dividend, according to the rules of the church mentioned in the preceding section."

9. *Deseret News*, April 21st, 1869.

10. *Compiled Laws of Utah*, 1870, pp. 136-140.

These sections made the proposed institution a strictly "Mormon" concern, and provided for the collection of tithes "at their source." When the institution was incorporated these sections were not included either in the constitution or by-laws. Also a change was made from "perpetual succession" to a period of twenty-five years (renewed at the expiration thereof—1895—to 50 years).

Of course the central principle of the movement—including the local institutions as part of the scheme—was to enable the people to become in effect their own merchants, and share in the profits of the business by a wide distribution of the shares of stock among the people; and thus tend to discourage the concentration of wealth in the hands of a comparatively few individuals, a thing everywhere recognized as undesirable. If this cooperative movement failed in the full realization of all the hopes built upon the plan, it did, in part, realize them; and conferred indirect benefits upon the community that have been of great value, among which may be named the stoppage—especially in the early years of its existence—of exorbitant profits from merchandising, by which the industry of the people was so heavily taxed; and second by stopping the old practice of increasing the price of an article because it was scarce. Zion's Cooperative Mercantile Institution could boast at the end of its first twenty-five years of existence that it had always "declined to be a party to making a corner upon any article of merchandise, because of the limited supply in the market,"<sup>11</sup> "and, of course, by such a concern refusing to become a party to this practice, others could not successfully indulge in it.

Another public benefit has been the encouragement it has always given to the general principle of cooperative endeavor in all branches of industrial activity. In 1876 the institution erected its own great buildings on main street, where it is at present—1930—quartered with both its whole-

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11. See the circular issued by Z. C. M. I., July 10th, 1875, in Tullidge's *History of Salt Lake City*, pp. 728-732.

sale and retail establishments. As a business "it has proved to be as successful as its most sanguine friends anticipated."

#### COOPERATIVE BRANCH ORGANIZATIONS

Taking the central organization for their pattern, smaller cooperative institutions sprang up in many of the wards in Salt Lake City and throughout the settlements of Utah. Indeed it was part of the general scheme that they should do so, since only in that way could the cooperative principle be so extended as to become of the greatest advantage to the people; only in that way could the people really become their own merchants and share the profits of the trade. But it was in these smaller institutions that the limitations of the system and its element of weakness first made its appearance—born of the instability of individuals. It was not difficult to induce individuals to invest in the local cooperative concerns. Those having a little means on hand readily saw the advantage of it, and took shares, and for a time these institutions were really "cooperative stores." But soon the necessities, real or imagined, of the holders of the stock led some of them to part with it, to meet some unlooked for emergency; sometimes there was dissatisfaction with the management, and it was easy to evade trouble or be rid of unpleasantness by selling off one's stock. There were always those who recognized the cooperative store as a good thing and were ready to buy, especially at a discount of the real value of the stock, so that gradually the stock drifted into fewer, and ever fewer hands, until the cooperative feature disappeared, being displaced by a joint stock concern or "corporation" instead of a "cooperation." In time the forces that had been at work in the wider circle operated in the narrower one of the persons comprising the corporation. Those immediately interested in the management of the local concern, and who devoted their whole time to it became the ones most intensely interested in the business; and by sheer force of that interest, in time, came to regard the business



as personal, and proceeded by the purchase of stock intermittently offered for sale, until the movement ended very generally in the "cooperative store" becoming in fact a personal business, run by those having natural capacity for, and inclination to such activities. Where the local "coop stores" have survived in name, they exist only as corporations or joint stock concerns. It is in that form also that the parent institution, "Z. C. M. I.," of Salt Lake City, has survived, though its stock is upon the market and may be purchased by all who choose to invest. Its high value, however, and its stability, make it desirable to retain as a permanent holding, and hence but little movement in its stock, and therefore only infrequent changes in the personnel of its stockholders.

#### A GENERAL "BOYCOTT" ON GENTILES INAUGURATED

Connected with this mercantile cooperative movement was an extension of the effort to restrict Latter-day Saint trading to those of their own confraternity. In the boycott of 1865-6, a distinction had been made between non-"Mormon" merchants who were hostile to the Latter-day Saints and had joined forces with the anti-"Mormon" political agitators, usually called "regenerators," and those who held aloof from these manifestations of unfriendliness toward the Latter-day Saints. But at the October conference of 1868 this distinction was no longer adhered to; a boycott was urged against all non-"Mormons." "How tight are you going to draw the reins?" was the self-asked question of Brigham Young in his discourse of October the 8th. And he answered it: "I want to tell my brethren, my friends, and my enemies, that we are going to draw the reins so tight as not to let a Latter-day Saint trade with an outsider;"<sup>12</sup> meaning by that a non-"Mormon." And steps were taken to make the

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12. Sermon of Oct. 8th, 1868, *Journal of Discourses*, vol. xii, p. 286. Orson Pratt, who seldom took radical views on such subjects, declared with reference to Gentile merchants that "as an individual, unless men repent and keep the commandments of God, he would not trade with them to the extent of one dime." (See Minutes of the October Conference, *Deseret News* of Oct. 14th, 1868).

resolution that the Latter-day Saints be a self-sustaining people effective.<sup>13</sup>

Under normal conditions of society in an American commonwealth, it would be difficult to justify a determined boycott against one class of the community based upon non-membership in a given religious society; but conditions in Utah at that time were not normal. The transcontinental railroad was approaching both from the east and the west and would soon form a junction in Utah. The advent of the railroad it was loudly boasted would overthrow "Mormon" domination, Brigham Young would be dethroned. "Thousands of Gentiles would come in where only tens had come before." The mines would be opened and there would be a power of numbers and of influence that would be overwhelming to Brigham Young and "Mormonism." It was not quite certain what "precise form" the "revolution" would take, or "where the entering wedge" would be placed that would "split this rotten trunk to pieces," but it was confidently boasted that it would be done. Moreover, the general government would be expected to take a part in the revolution. "It must come here with authority and power to protect citizens who are not Mormons, and will not be subservient to them," said one who was influential in those days on western questions—Mr. Bowles of the *Springfield* (Mass.) *Republican*—"who will try titles to property with them;

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13. This was done mainly by teaching the people through all the agencies at the command of the church; by public teaching from the pulpit; by private instruction in the homes of the saints by the ward teachers, who are standing officers in the church to render a teaching service; by warning those inclined to act independently, and to trade where they pleased, notwithstanding the crisis then pending, that they could not hope to retain fellowship with the Latter-day Saints if they persisted in that course; and lastly, by requiring "Mormon" retail merchants who had not actually entered into the cooperative movement, to agree to purchase their goods at the wholesale "Mormon" cooperative store, and erect a sign over their own stores bearing the words "*Holiness to the Lord*," in token of their acceptance of the principle of cooperation and of their sympathy with the movement of exclusiveness of trade with each other among the Latter-day Saints. (See *Journal of Discourses* for this period, *passim*; also *Deseret News* editorials, for the same period, *passim*; and for the latter item *Deseret News* Correspondent "Z" in impression of Dec. 15, 1869, semi-weekly, editorial, *Ibid*, of Dec. 29th, 1869; and *Rocky Mountain Saints*, p. 625).

who will claim the right to marry their superfluous wives; who will set up rival churches and schools and papers, and all the other enginery of freedom and revolution." "The work might be slow, sapping the strength of the church by the processes of education, discussion, and law;" "or it may come," said our influential one, "suddenly and sharply in a violent collision between the new settlers and the old, with the government taking the side of the former as the side of its long-neglected, long-outraged laws. But come it must and will. To doubt would be to question progress, to deny civilization, to outrage God."<sup>14</sup>

There was to be a veritable crusade with the advent of the railroad, and the "old settlers," who had pioneered the way to the Great Basin and redeemed the land from its sterility and conferred upon it its values; the community that had founded a commonwealth in the wilderness between Missouri frontiers and the Pacific slope of the Sierra, that for years had been the half-way house of the nation's western migration, were to be overwhelmed—treated without consideration; with not only the new population arrayed against them, but with the influence of the general government also thrown upon the scales on the side that would be to their disadvantage.

#### HOSTILE SCHEMES—THE WADE BILL

In this connection it should be noted that a number of hostile schemes during several previous years, and also at the time of this cooperative movement with its attendant exclusion of Gentile merchants from "Mormon patronage," had been discussed in congress, and some of them were then pending before that body. Among these was what was known as the Wade bill introduced in the senate in June, 1866,

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14. *Our New West*, Bowles, 1869, pp. 260-1. It will be observed that this appears in a book published in 1869, while the discrimination inaugurated against non-"Mormons" by Brigham Young, and referred to in the text, took place in the closing months of 1868; but these views voiced in *Our New West* in 1869, had been the burden of the press in the United States and in proposed anti-"Mormon" congressional legislation for a number of years before that time. Mr. Bowles himself had said something akin to them in his book describing his first visit to Salt Lake City with Mr. Colfax, in 1865. (See *Across the Continent*, pp. 108-9).

which aimed at nothing short of complete destruction of local self-government in Utah. The militia of the territory, hitherto created and regulated by territorial legislative enactments, and its officers elected under provisions of law, was to be made the creature of the president-appointed governor of the territory, to be organized and disciplined in such manner and at such times as he should direct; while all the officers of the militia were to be selected and appointed, as well as commissioned, by him. A revolution no less destructive of local government was proposed in the judiciary. The United States marshal was to select the juries, grand and petit; the probate judges in all the counties were to be appointed by the governor. Officers in the "Mormon" church were to be prohibited from solemnizing marriages; the sections of the territorial law exempting the real and personal property of the church from taxation was to be annulled, excepting only that there was to be exempted \$20,000 worth of property from taxation; also the provisions which gave the church authority to make rules and regulations in relation to fellowship in the church were repealed, and the trustee-in-trust, under penalty of fine and imprisonment, was required to make a full report, on oath, every year, to the governor of the territory accounting for "all church properties, moneys in bank, notes, deposits with the church," etc.<sup>15</sup>

The bill did not become a law, but it proclaimed the dangers that menaced the liberties of the Latter-day Saint community in Utah. Nor did those dangers cease with the failure of the Wade bill to become a law. Following it came the Cragin bill, introduced by the senator whose name it bears,<sup>16</sup> on the 13th of December, 1867. It was

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15. A digest of Wade's bill, and a number of its most mischievous sections complete will be found in Tullidge's *History of Salt Lake City*, ch. xlii. And the measure complete will be found in the *Congressional Record* of July 12th, 1866. Benjamin Franklin Wade, familiarly known as "Ben Wade," was United States senator from Ohio, 1851-1869. He was an anti-slavery leader, and acting vice president under President Andrew Johnson.

16. Aaron H. Cragin, of New Hampshire, chairman of the senate committee on territories.



a more vicious measure than the Wade bill, in that in addition to retaining all the bad features of the former it frankly proposed to abolish trial by jury in cases arising under the act of 1862 (the anti-bigamy law), "and of this act," and authorized prosecution on information by the prosecuting attorney, instead of by indictment of a grand jury.<sup>17</sup> Such was the state of public opinion throughout the United States respecting "Mormonism," such the hope for its submergence by the advent of the railroad, such the measures introduced into congress in aid of the destruction of the "Mormon" influence and the "Mormon" community, when the "no trade intercourse with Gentile merchants" was promulgated by the church authorities. And in view of all the circumstances under which it was inaugurated, was it matter for astonishment? There could be no question as to which side the non-"Mormon" influence would veer when the onslaught of the hoped-for incoming masses should be made, however non-committal or friendly they might appear previous to that time. In the midst of all this din of preparation for the coming conflict, resident non-"Mormons" made no protest against the proposed injustice. It could scarcely be expected that the Latter-day Saints would be silent and make no effort to resist the destruction of their community life, so confidently expected and desired by their opponents. What more natural than that they should determine that if they must be broken as a community they would not be found so spiritless as to give financial aid to those who would assist in their undoing. They could at least

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17. A complete copy of the bill will be found in *Deseret News* of Jan. 8th, 1868. Commenting editorially on the bill, the *News* said: "The forty-one sections into which his bill is divided, might have been spared had he [the author of it] stated his object in plain English. Had he stated what he thinks—no American citizen who is a 'Mormon' has any rights—he is not a free man, but is a slave, to be tried, convicted, fined, imprisoned, at the will of his masters—to be made to pay taxes, but to have those funds spent by his masters in persecuting and torturing him and enriching them for the service—to wear the form of man, but to have none of the privileges of manhood—to have no right to believe the *Bible*, practice its precepts, follow its examples, or to worship its God. These are the sentiments and objects of this bill. They might have been stated more pointedly in a few words than in so many columns." (*Deseret News* of Jan. 8th, 1868).

take a position in business affairs that would exhibit the solidarity of the church membership, and serve notice upon those who were coming to overslaugh them, that if any considerable number of them were merchants they must bring their patrons with them for they would find none among Latter-day Saints. By a policy of no trade intercourse with non-“Mormons” made effective, the Latter-day Saints could preserve themselves, no matter what the influx of new population might be; and, besides, their trade, now being of sufficient volume to be eagerly sought for in the east, could be made to create a friendly influence that would make itself felt at the source of proposed restrictive legislation, in congress, since that body held that it possessed the right to legislate for the territories in all cases whatsoever. It was a time to lay emphasis upon that part of the truth uttered by the Christ—“He that is not with me is against me; and he that gathereth not with me scattereth abroad;”<sup>18</sup> and not the other part of the truth which holds that “he that is not against us, is on our part.”<sup>19</sup> It was a time of war—a struggle for community existence, and as a measure of self-preservation until the danger was past, and normal conditions restored, “the no trade intercourse” policy with Gentiles was naturally to be expected, and was justifiable, and was brave, and wise.

To close up the account of the proposed anti-“Mormon” legislation through the years 1866-1870, it should be said that the Cragin bill did not receive consideration at the session of 1867-8; and was brought forward a second time by its author, but with some amendments, on the 21st of December, 1869. About the same time Shelby M. Cullom, then a representative from the state of Illinois, introduced a bill in the lower house of congress that bore his name. The Cullom bill was less drastic than the Cragin bill,<sup>20</sup> but was still

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18. *Matt.*, xii:30.

19. *Mark*, ix:40.

20. It has sometimes been said that the Cullom bill was even worse than the Cragin bill. This statement must have been made without comparing the two bills. Cullom's bill did not abolish indictment, and trial by juries, and substitute informa-

vicious and oppressive in some of its provisions. After passing the house it was accepted by the senate committee on territories in place of the Cragin bill, but to the credit of congress, at that time, be it said, the bill did not become a law. It was claimed that these several measures were framed in Utah by some of the federal officeholders and the political adventurers and lawyers who had drifted into the territory; and that they were merely accepted and presented to congress by the senators and representatives whose names they severally bore; and from the advantages that would accrue to this class in Utah if the proposed legislation had been enacted into law, the supposition was very reasonable, and amounted to moral certainty.

#### DISMEMBERMENT OF UTAH—ASHLEY BILL

In addition to these measures a scheme was introduced by Mr. James M. Ashley, a representative from Ohio, in January, 1869, for the dismemberment of Utah territory. It proposed to give a strip of Utah's territory on the west, about two degrees in width—118 miles wide—to Nevada, which state had already been created out of Utah's original domain as fixed by the boundaries of the organic act of 1850. It proposed giving a like strip from the east side of Utah through part of its extent north and south to Colorado; and another subdivision on the northeast to the then forming territory of Wyoming. Utah shorn of these slices of her territory, would then have been a narrow strip of territory through part of what is now the central division of the state of Utah, for some distance two degrees wide, and for the remainder one degree in width, as follows: That part of the territory lying north of a line near Farmington, in

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tion by the prosecuting attorney instead of indictment; nor a trial before a judge, instead of a jury trial; nor did it require the trustee-in-trust of the "Mormon" church to make an annual financial report to the governor of the territory as did Senator Cragin's bill; nor prohibit ministers of the "Mormon" faith from performing marriage ceremonies. It was because the Cullom bill was less drastic than the Cragin, that it was accepted by the senate committee on territories in place of the latter, rather than because of its increased severity against the community at which it was aimed.

Davis county, including Morgan, Weber, Cache, and Rich counties, would have been included in Wyoming; from about Farmington southward, as far as Levan, in Juab county, it would have been two degrees wide; and thence to the present southern boundary of the state, it would have been one degree or about fifty-nine miles wide, which would have included Scipio, Fillmore, Beaver, Parowan, within the strip, but would have consigned Cedar, Washington, St. George, and other Utah Dixie settlements to Nevada;<sup>21</sup> and the most of San Pete county would have become part of Colorado. A Washington correspondent of the *New York Times* in analyzing the Ashley bill pointed out that about 25,000 of Utah's population would go to the new territory of Wyoming, and 10,000 to Nevada. With reference to the population assigned to Nevada the *Times* correspondent said that Utah was free from debt, but by this arrangement 10,000 citizens of Utah would be called upon to assist in paying the large state debt of Nevada "which they had no hand in contracting."<sup>22</sup> This dismemberment the *Times* correspondent characterizes as "flagrant injustice," but announces that it is likely to defeat the purpose intended—breaking up the political power of the "Mormon" community—since it would result in giving them the balance of power in Nevada, Wyoming and Colorado, as well as the control of the strip of territory remaining as "Utah." Such also is the conclusion of Mr. Bowles, editor of the *Springfield* (Mass.) *Republican*, who said: "The idea of dividing the territory up among the adjoining territories is not practicable now [1869]; under it, the Mormons, instead of being divided and conquered, would divide and conquer; for with their number and discipline, they could out-vote and out-manage three territories."<sup>23</sup>

21. The sections of the bill that deal with the carving up of Utah are quoted in *Deseret News*, weekly, of Feb. 3rd, 1869; and the bill entire is described by its author in *Congressional Globe* for Jan. 14th, 1869, p. 363.

22. The *New York Times* correspondence is dated at Washington, Jan. 25, 1869.

23. *Our New West*, 1869, p. 264.



"I drew the bill originally," said Mr. Ashley, "to blot out the territory, but the committee thought it best to let that part of it remain where the great body of the Mormons were until such time as the population of the adjacent territories and state would be able to take care of them, and not be overborne by the consolidated vote of that oligarchy." He further explained that the purpose of the bill was to make statehood impossible for a territory where "Mormons" were the dominant population.<sup>24</sup>

Utah's delegate to congress discussed the question in the house on the 25th of February in a very able speech that is worthy to be classed among the permanent documents of Utah's history.<sup>25</sup> The bill, as it deserved, failed of enactment into law.

#### "MORMON" WOMEN UPHOLD PLURAL MARRIAGE

While the several bills relating to plural marriage were pending in congress, an incident occurred in Salt Lake City and many other places in Utah, that ought to go far towards correcting a very general misapprehension respecting the plural marriage system in the Church of the Latter-day Saints, *viz.*, that plural marriage existed against the desire and will of the women of that church. Early in January, 1870, action was taken in the regular sessions of several of the Female

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24. See remarks in *Congressional Globe* of Jan. 14, 1869, pp. 363, 364. The discussion which took place when the bill was introduced and put upon its passage is quoted in part, in the *Deseret News* of 3rd February, 1869.

25. The speech appears in *Congressional Globe* of February, 1869, also in the *Deseret News*, extra, of April 7th, 1869. As a counter plan to that of Mr. Ashley, Utah's delegate, Mr. Hooper, suggested the following: "Abandoning all appeal to the cowardly, who are seldom generous, I turn to the courageous, who are strong in the conviction of their own moral power, and tell them that if 'Mormonism' is a fatal heresy they owe it to its own deluded disciples to neglect none of the legitimate means of argument and practice for their conversion. If 'Mormonism' is an error there is no community on the face of the globe, and no class of people, so vitally interested in its repudiation as the majority of the people of Utah, who are its victims. Rather than curtail the proportions of the territory and cut off its settlements from contact with the railroad, you should seek to enlarge its area, encourage its population by all classes of good citizens, giving the amplest protection of law by substituting for its present organization [the territorial form of government] a more ample, complete, and sovereign form of government, leaving the issue with God and the inevitable forces of nature." (*Deseret News*, vol. xviii, p. 105).

Relief Societies<sup>26</sup> protesting against the passage of the Cragin and Cullom bills. Finally a great mass meeting of the women of the church was held in mid-January, in the tabernacle, which, despite inclement weather, was attended by several thousand women,—estimated at from five to six thousand,—including practically all the leading women of the church. Mrs. Sarah M. Kimball, president of the Relief Society of the 15th ward, was elected president of the meeting. A committee on resolutions was appointed,<sup>27</sup> which reported in mid-progress of the meeting.

The point in the resolutions important now, is in the following:

*Resolved:* "That we, the ladies of Salt Lake City, in mass meeting assembled, do manifest our indignation and protest against the bill before congress, known as the Cullom bill, also the one known as the Cragin bill, and all similar bills, expressions and manifestos."

*Resolved:* "That we acknowledge the institutions of the Church of Jesus Christ of Latter-day Saints as the only reliable safeguard of female virtue and innocence. \* \* \* We are and shall be united with our brethren in sustaining them against each and every encroachment."<sup>28</sup>

The spirit of the meeting was well represented in the following excerpt from the speech of Mrs. Levi Riter:

"We have not met here, my beloved sisters, as women of other states and territories meet, to complain of the wrongs and abuses inflicted upon us by our husbands, fathers and sons; but we are happy and proud to state that we have no such afflictions and abuses to complain of. Neither do we ask for the right of franchise; nor do we ask for more law, more liberty, or more rights and freedom from our husbands and brothers; for there is no spot on this wide earth where kindness and affection are more bestowed upon women, and her rights so sacredly defended, as in Utah. We are here to express our love for each other, and to exhibit to the world our devotion to God, our Eternal Father;

26. Such action is noted as taking place in Springville, Utah county. (*Deseret News* of 19th of January, 1870). Also in the 15th ward, Salt Lake City, on the 6th of January, 1870. Indeed it was this latter meeting which suggested the general mass meeting held in the tabernacle described in the text. (See *News* of Jan. 12th, 1863). Linn is in error in saying this woman's mass meeting occurred in March after the passage of the Cullom bill in the house.

27. The names of the resolutions committee were Mrs. M. T. Smoot, M. N. Hyde, Isabella Horne, May Leaver, Priscilla Staines, Rachel R. Grant, all presidents of Female Relief Societies in various wards in Salt Lake City.

28. Minutes of Woman's Mass Indignation Meeting, *Deseret News* of Jan. 19th, 1870, where the proceedings in full are recorded.

and to show our willingness to comply with the requirements of the gospel,—*and the law of celestial marriage is one of its requirements that we are resolved to honor, teach and practice, which may God grant us the strength to do*" (a hearty "amen!" from the audience).<sup>29</sup>

Mrs. Phoebe Woodruff said:

"Shall we as wives and mothers sit still and see our husbands, and sons, whom we know are [but] obeying the highest behest of heaven, suffer for their religion without exerting ourselves to the extent of our power for their deliverance? No! verily, no! God has revealed unto us the law of the patriarchal order of marriage, and commanded us to obey it. We are sealed to our husbands for time and eternity, that we may dwell with them and our children in the world to come, which guarantees unto us the greatest blessing for which we are created. If the rulers of our nation will so far depart from the spirit and the letter of our glorious Constitution as to deprive our prophets, apostles and elders of citizenship, and imprison them for obeying this law, *let them grant us this our last request, to make their prisons large enough to hold their wives, for where they go we will go also.*"

Mrs. Eliza R. Snow, general president of the Female Relief Societies of the church, in the course of her speech, a well sustained effort, said:

"When our husbands and sons—our fathers and brothers are threatened being either restrained in their obedience to the commands of God, or incarcerated year after year in the dreary confines of a prison, will it be thought presumptuous for us to speak? Are not our interests one with our brethren? *Ladies, this subject as deeply interests us as them.* In the kingdom of God, woman has no interests separate from those of man—all are mutual.

Our enemies pretend that in Utah, woman is held in a state of vassalage—that she does not act from choice, but by coercion—that we would even prefer life elsewhere, were it possible for us to make our escape. What nonsense! We all know that if we wished, we could leave at any time—either to go singly or we could rise *en masse*, and there is no power here that could or would ever wish to prevent us. \* \* \* The history of this people, with a very little reflection, would instruct 'outsiders' on this point. It would show at once that the part which woman has acted in it, could never have been performed against her will. Amid the many distressing scenes through which we have passed, the privations and hardships consequent on our expulsion from state to state, and our location in an isolated, barren wilderness, the women in this church have performed and suffered what could never have been borne and accomplished by slaves.

Were we the stupid, degraded, heart-broken beings that we have

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29. *Ibid.*

been represented to be, silence might better become us; but, as women of God—women filling high and responsible positions—performing sacred duties—women who stand not as dictators, but as counselors to their husbands, and who, in purest, noblest sense of refined womanhood, being truly their helpmates—we not only speak because we have the right, but justice and humanity demand that we should. \* \* \* Like the loving Josephine, whose firm and gentle influence both animated and soothed the heart of Napoleon, we will encourage and assist the servants of God in establishing righteousness; but, unlike Josephine, never will political inducements, threats or persecutions prevail on us to relinquish our matrimonial ties—they were performed by the authority of the holy priesthood, the efficiency of which extends into eternity.”<sup>30</sup>

Harriet Cook Young said:

“It is as coworkers in the great mission of universal reform, not only in our own behalf, but also, by precept and example, to aid in the emancipation of our sex generally, that we accept in our heart of hearts, what we know to be a divine commandment; and here, and now, boldly and publicly we do assert our right, not only to believe in this holy commandment, but to practice what we believe.

While these are our views, every attempt to force that obnoxious measure [then pending in congress] upon us, must of necessity, be an attempt to coerce us in our religious and moral convictions, against which, did we not most solemnly protest, we would be unworthy the name of ‘American women.’ ”<sup>31</sup>

#### WOMAN'S INSTINCT TO SELF-SACRIFICE

If it shall be asked, as it was asked in one of the sessions of the house committee on territories when the Cullom bill was being considered, how a woman could be brought to believe in and accept polygamy as a proper status; and “how long does it take woman to change her entire nature in that respect;” the best answer that can possibly be given is the one that was given by Mr. Alexander Majors,—not a “Mormon”—to whom the question was addressed when before the said committee to testify on Utah affairs. As to how long it would take to so change a woman’s nature in that respect, he answered that he had never made the calculation.

30. *Ibid.*

31. *Ibid.* Among other speakers at the mass meeting were Bathsheba W. Smith, Mrs. Warren Smith, one of the heroines of the Haun’s Mill Massacre in Missouri; Mrs. Wilmarth East, Mrs. McMinn, Mrs. H. T. King, Mrs. Eleanor M. Pratt.



But he referred them to the sisters of charity of the Catholic church, and what they did for the sake of their religion—gave up their homes, society, and what are considered the pleasures of life, and confined themselves to gloomy retreats, except when they emerge to contribute to the needy or to wait upon the sick; the women of Utah, he said, as a general rule, are just as intelligent as these; their religious impulses are just as high, and their convictions just as sincere. “*They do not embrace polygamy because they choose it, but because it is their duty and will result in a higher felicity to them in the world to come.*”<sup>32</sup> Mr. Majors was asked on the same occasion what he would do if the inhabitants of Utah should claim admission into the Union as a state. “I would admit them,” he promptly answered. “With polygamy?” was next asked. “Yes, sir,” he promptly answered, “with polygamy. I would let a hundred thousand polygamists come in contact with forty millions of people claiming at least to possess a higher civilization. They are paying their taxes; they are behaving themselves in all respects, except as regards polygamy, as well as any other community within our boundary.”

#### DELEGATE HOOPER'S DEFENSE OF PLURAL MARRIAGE

Mr. Hooper, Utah's delegate, made a very able speech against the passage of the bill, which was afterwards published in pamphlet form, under the title “*A Plea for Religious Liberty*,” it was a very able speech, well sustained throughout. Replying to Mr. Cullom, who had said that “polygamy was denounced by every state and territory of the United States,” he said:

“Polygamy is not denounced by every state and territory, and the gentleman will search in vain for the statute or criminal code of either defining its existence or punishment. The gentleman confounds a religious belief with a criminal act. He is thinking of *bigamy* when he denounces *polygamy*, and in the confusion that follows, blindly strikes

32. *Deseret News* summary of evidence given by Messrs. F. H. Head and Alexander Majors, impression of 23rd March, 1870.

out against an unknown enemy. Will he permit me to call his attention to the distinction? Bigamy means the wrong done a woman by imposing upon her the forms of matrimony while another wife lives, rendering such second marriage null and void. The reputation and happiness of a too confiding woman is thus forever blasted by the fraudulent acts of her supposed husband, and he is deservedly punished for his crime. Polygamy, on the contrary, is the act of marrying more than one woman, under a belief that a man has the right, lawfully and religiously, so to do, and with the knowledge and consent of both the wives."

Mr. Hooper quoted high authorities, and very many of them, maintaining *Bible* sanction for the rightfulness of a plurality of wives; and summarized his whole presentation of the subject as follows:

"Mr. Speaker, those who have been so kind and indulgent as to follow me thus far will have observed that I have aimed, as best I might, to show—

1. That under our Constitution we are entitled to be protected in the full and free enjoyment of our religious faith.

2. That our views of the marriage relation are an essential portion of our religious faith.

3. That in considering the cognizance of the marriage relation as within the province of church regulations, we are practically in accord with all other Christian denominations.

4. That in our views of the marriage relation, as a part of our religious belief, we are entitled to immunity from persecution under the Constitution, if such views are sincerely held; that if such views are erroneous, their eradication must be by argument and not by force.

5. That of our sincerity we have both by words, and works, and sufferings, given for nearly forty years, abundant proof.

6. That the bill, in practically abolishing trial by jury, as well as in many other respects, is unconstitutional, uncalled for and in direct opposition to that toleration in religious belief which is characteristic of the nation and age.

It is not permitted, Mr. Speaker, that any one man should sit as the judge of any other as regards his religious belief. This is a matter which rests solely between each individual and his God. The responsibility cannot be shifted or divided. It is a matter outside the domain of legislative action."<sup>33</sup>

When the news reached Salt Lake City that the Cullom bill had passed the house of representatives, on the 23rd of March, a great mass meeting convened to petition the United States senate not to pass the bill. Daniel H. Wells, mayor

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33. *Deseret News*, of April 6, 1870, p. 104.

of Salt Lake City, was elected president of the meeting, and there were seven vice presidents, all prominent men of Salt Lake City. Four secretaries were chosen, and two shorthand reporters recorded the proceedings. This as evidence that the meeting was an important event.

The remonstrance was ably drawn, covering nearly five columns of the *Deseret News* and closed with a series of twelve resolutions, firmly insisting in a variety of forms that revelation which gave them their marriage system, as well as the system so given, was an essential part of their religion, and closed by—

"That we tender to God, our Father in heaven, our most sincere and hearty thanks for his great blessings and kindness to our fathers in inspiring them to establish the Constitution of the United States on the basis of civil and religious liberty, and that he put it into their hearts to make that instrument the supreme law, which should not in any emergency be transcended, and by which all should be bound.

That forty millions of enlightened American citizens, with half a million of priests, philanthropists and editors, ought to be able to control, without the aid of legislative enactment, an institution which they call objectionable and immoral, through the influence of religion, the power of the press, and moral suasion, against one hundred and fifty thousand people who consider it a divine institution."<sup>34</sup>

As already stated neither the Cragin nor Cullom bill was enacted into law. How far the women's protest, the general remonstrance of the Latter-day Saints of Salt Lake City in mass meeting assembled, the really great speech of Utah's delegate, Mr. Hooper, the declaration of the "no trade intercourse" with Gentile merchants announced by the church leaders—how far these singly or combined exerted an influence to bring about the defeat of these bills, may not now be determined; but these several actions represent an intelligent and le-

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34. Eleventh and Twelfth Resolutions, *Deseret News*, April 6th, 1870. The American Bible Society had been sending *Bibles* into Utah for some time, in the hope, doubtless, that the *Bible* would convert the "Mormons" from the "error of their ways!" It was a bit of indulged irony that drew the eighth resolution: "Resolved, That, while we thank the American Bible Society for sending us the Word of God, we think it a strange inconsistency for a Christian nation, which has received its *Bible* from inspired men who were polygamists, to send that *Bible* to us, and then proscribe and disfranchise us for following the precepts thereof, and the practices of its inspired prophets."

gal resistance to measures destructive of both civil and religious liberty, as conceived by the Latter-day Saints, and gives them during that period a place in history that challenges both respect and admiration. It is probable, however, that the advent of the transcontinental railroad, which was expected to do so much for the overwhelming of the Latter-day Saints, and their religion, and church, exerted quite as much influence as any other one factor in defeating the anti-"Mormon" legislation introduced into congress at the period, since those great financial interests represented by individuals and by companies, which brought the railroad into existence, required peace along its line for the growth of that trade and commerce, to which they looked for the remuneration that would reward them for all their toil and all their risks in the gigantic undertaking.



## CHAPTER CXXXIII

### THE ADVENT OF RAILROADS INTO UTAH—ATTITUDE OF CHURCH LEADERS TOWARDS THE COMING OF RAILROADS—SALT LAKE CITY AS A RAILROAD CENTER

WE MUST now consider that epoch-making event already so often referred to of late in these pages—the advent of the transcontinental railroad into Utah. I have already said this event ended the romantic plains-travel period of “Mormon” history; but it must now be considered as opening a larger life and a closer contact with the world, both for the church and for the territory, and to the advantage of both.

#### THE FIRST TRANSCONTINENTAL RAILROAD

The road from the Missouri river to Sacramento, California was built by two companies, the Union Pacific and the Central Pacific, respectively. The Union Pacific, starting at Omaha, built westward one thousand and twenty-nine miles; the Central Pacific built eastward eight hundred and seventy-eight miles from San Francisco.<sup>1</sup>

Naturally there was brisk rivalry between the two companies, and it is said that the last sections of the work were constructed with a swiftness unprecedented in the history of railroad building up to that time. The cause of the rivalry was the desire to participate as largely as possible in the very liberal subsidies of money and lands granted by the general government for the construction of the road.

“The passage of the bills to authorize the construction of the Pacific railroad was one of those ‘war measures’ with which the people became so familiar during the long Civil War struggle. Under several acts of congress (passed between July, 1862, and July, 1864), a subsidy of government bonds payable in gold, bearing six per cent interest, was

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1. *History of the United States*, Morris, p. 420, note. The railroad from Sacramento to San Francisco the Central Pacific Company purchased, hence its railroad building on the transcontinental line is reckoned from San Francisco.

provided for each mile of railroad built, at the rate of \$16,000 per mile from the Missouri river to the base of the Rocky Mountains; \$48,000 per mile for 300 miles through those mountains; \$32,000 per mile for the section between the Rocky Mountains and the Sierra Nevada, and \$16,000 per mile for that portion lying west of the Sierra; by a later ruling of the government, the subsidy for the last western section was so increased that \$32,000 per mile was paid for nearly the whole of the work west of the Sierra and up to the banks of the Sacramento river. In addition to this subsidy, the same acts of congress gave to the companies building the road twenty sections (12,800 acres) of the public lands for each mile of road actually built, considerable choice being allowed the companies in their selection of the lands to be so allotted. The land subsidy gave the companies about 25,000,000 of acres in all."<sup>2</sup>

The Union Pacific reached Ogden on the 8th of March, 1869, and was the occasion of a public celebration. The manner in which the advent of the track layers of the Union Pacific Company were welcomed into Ogden is described by a correspondent of the *Salt Lake Telegraph*—Joseph Hall—for March 8th, as follows:

"The citizens exhibited the liveliest enthusiasm, and testified the liveliest joy, as, from the high bluffs and every commanding elevation they feasted their eyes and ears with the sight and sound of the long-expected and anxiously looked for fiery steed. Onward and still onward they came, and thousands and thousands of our citizens, both from here and from the adjoining settlements, decked in their holiday attire, gave a hearty welcome to the advent of the nation's great highway into this city. About half-past two p. m. they steamed into Ogden, when Colonel Dan. Gamble, with true Hibernian enthusiasm, run up the first flag, which, while floating gracefully in the breeze, was soon followed by numerous others. \* \* \* At 4 o'clock a public stand was erected alongside the track. At 5 o'clock the procession was formed under the direction of the committee of arrangements, \* \* \* which consisted of the mayor, members of the city council, the various schools, under the superintendents of their respective banners, with numerous appropriate mottoes, among which the following was conspicuous.

*'Hail to the highway of nations!  
Utah bids you welcome!'*

Then followed speeches by Franklin D. Richards, the probate judge of the county in which Ogden is located, Weber county [also member of the apostles' quorum]; and by the mayor of Ogden City, Hon. Lorin Farr, and others. "Amid the continued firing of the guns and the

2. *History of the United States*, Bryant-Gay-Brooks, Scribner's Sons, 1898, vol. v, pp. 354-5.

cheering music of the band," says Mr. Hall's account, "the assembly dispersed to their homes at sun down, having enjoyed one of the happiest epochs in their history, and the turning point in Utah's future."

#### THE JUNCTION AND CEREMONIES

The Union Pacific Company after this pushed on westward with its construction work and finally met its competitor at Promontory Summit, eighty-five miles northwest of Ogden, and north of the Great Salt Lake.<sup>3</sup> Here the tracks of the two companies were joined on the 10th of May, 1869, by the laying of the last rail and the driving of the last spike with befitting public ceremonies.

A large party of prominent citizens from both the east and the west participated in these ceremonies. The press of the country was very widely represented; and there were a number of prominent citizens both from Salt Lake City and Ogden. The last tie upon which met the C. P. and the U. P. rails was laid by the superintendent of construction of the U. P.—Mr. S. B. Reed—handling the south end, and J. H. Strowbridge, Esq., the north end. This tie, of California laurel, an elegant wood scarcely inferior to mahogany, was French polished, and on its face a silver plate, bearing the inscription—

*"The last tie laid on the completion of the Pacific Railroad, May 10th, 1869; presented by West Evans, manufactured by Strahle & Hughes, San Francisco."*

On this plate were also engraved the names of the directors and officers of the C. P. R. R. Three spikes were presented to be driven into the last tie: one of gold—the last spike—was made of twenty-three \$20 gold pieces, and worth, therefore, \$460. It was presented by Mr. David Herves, of San Francisco, through D. Harkness of the Sacramento

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3. The point of junction was "exactly 1,085 miles from Omaha, and 690 miles east of Sacramento." (*Deseret News* report of the junction ceremonies, May 19th, 1869). Later Ogden by act of congress was made the "junction city" of the two roads. (*House Executive Documents*, 46th Congress, 3rd Session, p. 973).

press. In his speech of presentation to Governor Leland Stanford Mr. Harkness said in behalf of California:

"From her bosom was taken the first soil, let hers be the last tie and the last spike."

Upon this spike was engraved:

*"The Pacific Railway, first ground broke Jan. 8, 1863, and completed May 10th, 1869. May God continue the unity of our country as this railroad unites the two great oceans of the world."*

On the head of the spike was inscribed—"The last spike."

Nevada offered a silver spike, her representative—Hon. F. A. Fryth—saying:

*"To the iron of the east and gold of the west Nevada, adds her link of silver to span the continent and wed the oceans."*

Governor Safford of Arizona in offering a spike composed of iron, silver and gold, said:

*"Ribbed with iron, clad in silver, and crowned with gold. Arizona presents her offering to the enterprise that has banded the continent and directed the pathway to commerce."*<sup>4</sup>

In driving the last spike in the junction ceremonies, the mauls were so attached to the Western Union Telegraph wires as to announce to the country the blows as they fell. "Instantaneously the electric current flashed the tidings east and west, that the work was done, and the same electric flash sent the reverberating discharge of 220 guns from the batteries of San Francisco."<sup>5</sup>

#### UTAH ABSENCES CONSPICUOUS

It will be observed that in these ceremonies Utah was not represented by her governor, at that time Charles Durkee, since 1865; nor by President Brigham Young. The reason for this was that his excellency had been absent from the territory in the east during the first half of 1869—returning

4. Proceedings at Promontory Summit, May 10th, *Deseret News*, weekly, of May 19th, 1869.

5. *Ibid.*



to Salt Lake City just on the eve of the junction celebration, but not in time to be present; although he attended the celebration at Salt Lake City, held simultaneously with the celebration at Promontory Summit. Though complaining of fatigue from his long journey, his excellency made a brief speech at the Salt Lake City celebration.<sup>6</sup>

President Brigham Young, soon after the close of the annual April conference of the church, held in Salt Lake City, had started on a visit to the settlements of southern Utah, going as far as St. George. From this journey he did not return until after the junction ceremonies both at Promontory Summit and in Salt Lake City were over, and for this reason could not be present.<sup>7</sup> One can but regret, however, the absence of these logical representatives of the territory, in consequence of which Utah seems inadequately represented in this really great, national event.<sup>8</sup> It was in Utah's territory that the junction of the two lines was being formed, and her second town in population and importance was inevitably to become the "junction city" of the transcontinental lines. It is true that the first soil moved in beginning work upon the transcontinental railroad was in the state

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6. See *Deseret News*, weekly, of May 12th, 1869; also Bancroft's *History of Utah*, note 50, p. 622. Durkee was well advanced in life and in feeble health. He died at Omaha in the following January, 1871. "Governor Durkee was born at Royalton, Vt., 1802. He was one of the earliest settlers and most prominent men in Wisconsin, and a member of its first legislature. In 1855 he was elected United States senator, and was a staunch adherent of the anti-slavery party." (Bancroft's *History of Utah*, p. 622, note 52; also *Deseret News* of Jan. 26, 1860).

7. See *Deseret News*, weekly, of May 12th, *passim*, where the progress of the president's journey is noted. He returned to Salt Lake City May 11th, (*Ibid*). Whitney says that "President Young had been cordially invited to be present, but was unable to attend." (Whitney's *History of Utah*, vol. ii, p. 250).

8. This is said in no disparagement of those who represented Utah on the occasion of the ceremonies at Promontory Summit, all of whom were very honorable and representative people. But you cannot in the play of Hamlet, substitute some other of the characters of that drama for the Prince of Denmark, and still have Shakespeare's masterpiece. Those who represented Utah at Promontory Summit were—from Salt Lake City: Hon. William Jennings, vice president of the Utah Central Railroad Company; Colonel F. H. Head, superintendent of Indian affairs; Colonel Feramor Little, director in Utah Central Railroad Company; Bishop John Sharp, assistant superintendent, Utah Central Railroad Company, and C. R. Savage, photographer. Ogden City was represented by the Hon. F. D. Richards, probate judge of Weber county; Mayor Lorin Farr, and Bishop C. W. West; Cache county by the Hon. Ezra T. Benson. (*Deseret News*, 19th of May, 1869, p. 169).

of California, but it was Utah's legislature, among western states and territories, which first memorialized congress for the construction of such a road; it was her people who traced the track over which such a road might pass,<sup>9</sup> and her people built the grade for about fifty miles over the most rugged and difficult part of the road constructed by the Union Pacific Company; and above two hundred miles of the Central Pacific road. Referring to Brigham Young and his connection with this national enterprise, John Taylor, in a letter to the *Deseret News* very justly said:

"Nor in our list must we forget President Brigham Young, who has shouldered the heavy end of the burden, and who when asked to assist, said, 'Point out the path and we will tear down the rocks, pierce the mountains, fill up the valleys, and make a pathway for the iron horse,' and with the aid of [John] Sharp and [President] Young and others, the mountain sides have fallen, the valleys have been exalted, the pathway has been made through the mountain fastnesses, and the railroad is now *un fait accompli*.'"<sup>10</sup>

Under all these circumstances and just claims, it was more than unfortunate that Utah was not represented in these junction ceremonies by her chief executive and her great Pioneer—it was an irretrievable blunder, since it was an event which could never occur again—as there could be but one *first* transcontinental railroad built, and never again could the people of Brigham Young sustain the same relationship to other transcontinental railroads as they had to this. Doubly so was it a blunder that there was no special "spike" prepared from Utah metals to be driven into the "last tie" completing the roads. Evidently the importance of the occasion was not realized at the time.

As already stated, a public celebration of this event was held in Salt Lake City, simultaneously with the one at Promontory Summit. In this the governor of the territory, Utah's delegate to congress,—then Hon. Wm. H. Hooper—members

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9. See remarks of George A. Smith and Brigham Young quoted later in this chapter.

10. *Deseret News*, weekly, of March 24th, 1869.

of the Salt Lake City council, a number of leading church officials, among whom were George A. Smith, John Taylor, and the presiding bishop of the church, Edward Hunter—all these, and many other leading church officials, participated in the proceedings at Salt Lake City, over which Judge Elias Smith presided.<sup>11</sup>

#### THE CHURCH OF THE LATTER-DAY SAINTS AND THE RAILROAD

A widespread belief existed that the Latter-day Saints, and especially the church leaders, would "view with alarm" the advent of the railroad; since it would put an end to the isolation of the church by bringing it into immediate contact with the world. This theory supposed that the exclusiveness of the "Mormon" community was essential to the perpetuity of the church. When the matter was mentioned to President Young he is said to have replied in substance that he would not give much for a religion that could not stand the advent of a railroad.<sup>12</sup> As a matter of fact there was no dread of the advent of the railroad either by the church leaders or by the body of the Latter-day Saints. The legislative assembly of the territory of Utah—exclusively "Mormon" in its officers and membership—on the 3rd of March, 1852, petitioned the congress of the United States to provide for the establishment of a national central railroad from some eligible point on the Mississippi or Missouri river to the Pacific coast, and pledging their cooperation in such an enterprise. This Memorial was read in the celebration over the completion of the transcontinental railroad held at Salt Lake City, on the 10th of May, 1869.<sup>13</sup>

On June 10th, 1868, upon learning that there was some

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11. For full account of celebration proceedings see *Deseret News*, weekly, of May 12th, 1869.

12. "His must be a ——— poor religion, if it cannot stand one railroad," is the representation that Mr. Bowles gives of President Young's remark. (*Our New West*, 1869, p. 260). Bowles was of opinion, however, that the advent of the railroad would prove fatal to the "Mormon" church. (*Ibid*).

13. See *Deseret News*, weekly, of May 12th, 1869. Subsequent legislatures renewed the Memorial.

likelihood that the transcontinental railroad would not pass through Salt Lake City, a mass meeting was called to urge upon the companies constructing the road, and upon the country at large, the desirability of having the road pass through Salt Lake City. By courtesy of President Young the use of the great tabernacle on Temple Square was given in which to hold the meeting. "About three thousand men were present, representing every class of our citizens," said the minutes of the meeting, "and the most prominent names in the territory were among the audience on the stand." The mayor of the city, Hon. D. H. Wells, presided at the meeting. Brigham Young was present and spoke. Referring to the companies engaged in constructing the Pacific railroad, he said:

EFFORT MADE BY CHURCH LEADERS FOR ROUTE VIA  
SALT LAKE CITY

"If I could direct the route they should take, I should have it come down Echo and Weber canons, and from there through the lower part of Salt Lake City, and then pass the south side of the Lake to the Humbolt."

The resolutions unanimously adopted by the great mass meeting were as follows:

*Resolved*:—That Utah welcomes to her borders the coming railroad, and hails with pleasure closer contact and more intimate relations with her friends east and west.

*Resolved*:—That every advancement in civilization and enterprise will always and at all times receive a helping and friendly hand from the people of Utah.

*Resolved*:—That it is the wish of this meeting that the railroad shall come to this city and pass by the south side of the Lake, and for that purpose proper and suitable grounds for depot, machine shops and improvements can be obtained within this city.

*Resolved*:—That one hundred thousand citizens of this nation demand that this great national work shall be performed for the national good and for the people's benefit, and not for private profit or personal speculation."<sup>14</sup>

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14. *Deseret News*, weekly, of June 17th, 1868, where proceedings in full, including *verbatim* reports of the speeches, will be found.



All the speakers, as well the prominent "Mormon" church leaders as those not of that church connection—of whom there were many present—urged the adoption of the resolutions. Elder John Taylor, of the council of the twelve said:

"It has been thought and charged by some that we are averse to improvements, and that we disliked the approach of the railroad. Never was a greater mistake. \* \* \* Who penetrated these deserts, opened these fields, planted these orchards, made these roads, built these cities, and made this wilderness and desert 'blossom as the rose?' That is no mystery. Who was the first to hail and help build the first telegraph line? There sits the gentleman, (pointing to Brigham Young.) Who was the first to engage in leveling these almost inaccessible canons? President Young and his coadjutors. We believe not alone in theories, but in facts, in what the French properly call *actualities*. \* \* \* We meet in friendly conclave with distinguished gentlemen connected with the eastern and western divisions of the railroad, who have been here to exchange friendly greetings with each other and with Brigham Young, and to plan for the greatest good of this great national enterprise. \* \* \* We hail these gentlemen as brothers in art, science, progress, and civilization, and whilst their hearts throb with a desire for the achievement of a great national highway, they will meet here a hearty sympathy and cordial cooperation; hearts as true, sympathies as strong, and energy as firm and enduring as that which inspires their own bosoms."

George A. Smith, the counselor in the first presidency to President Young, said:

"I was in Washington, in 1856. I was told by a reverend gentleman that we were 'opposed to a railroad.' I told the man that he must be very ignorant of the wishes and views of the people here, or else he gave us credit for being very fond of ox teams and 'horn' telegraphs."

#### "MORMON" PIONEERS ANTICIPATED TRANSCONTINENTAL RAILROAD

Mr. Smith also said that in making the Pioneer journey in 1847, the matter of a railroad following on the Pioneer trail was often a matter of conversation in the camp. "A portion of our labor," said he, "was to seek out the way for the railroad across the continent, and every place we found that it seemed difficult for laying the rails, we searched out a way for the road to go round or through it." This state-

ment Brigham Young corroborated in his second address at the above meeting:

"I do not think we traveled one day from the Missouri river here, but what we looked for a track where the rails could be laid with success, for a railroad through this territory to go to the Pacific ocean. This was long before the gold was found, when this territory belonged to Mexico. We never went through a canon, or worked our way over the dividing ridges without asking where the rails could be laid; and I really did think that the railway would have been here long before this; and I do think it would if there had not been some little eruption [alluding to the war between the states]; but I do hope now that we will get it. As for this people not wanting the railroad, why there is no people in the world that will take the matter into consideration but will see at once that we need it more than any other portion of the community. \* \* \* When this work is done, if the tariff is not too high, we shall see the people going east to see their friends, and they will come and see us, and when we are better known to the world, I trust we shall be better liked."

Other "Mormon" speakers followed in the same trend of thought; but notwithstanding the earnestly expressed desire of her citizens and the wish of the leading men of the territory, the trunk line of the transcontinental railroad did not come to Salt Lake City, but reaching Ogden, ran northwesterly, some distance, thence west, around the north end of Great Salt Lake, and so through Nevada to California.

General G. M. Dodge in his paper on "Transcontinental Railways"—1888—states that Brigham Young and the "Mormon" people "refused to accept the decision of the Union Pacific Company to build the road round the north end of Great Salt Lake, and not through Salt Lake City; and that the "Mormon" leader "prohibited his people from contracting or working for the Union Pacific," until the Central Pacific Company made the same decision as to the route of the railroad that the Union Pacific had, which "brought the Mormon forces back to the Union Pacific, their first love." There seems to be no *data* to justify this statement of General Dodge. No such attitude as far as can be learned was taken either by the "Mormon" leaders or people, though they would, as appears from previous statements,

greatly have preferred that the road pass through Salt Lake City.<sup>15</sup>

#### BRIGHAM YOUNG'S UNION PACIFIC CONTRACT

While it was still uncertain whether the main line would pass through Salt Lake City or not, Brigham Young took a contract with the Union Pacific Company to construct the grade from the head of Echo canon to Salt Lake City, should the road come that way; or should the route north of the Salt Lake be taken, then his contract would extend to the lake northwest of Ogden, covering about ninety or fifty miles according as one or the other of these places became the objective point.<sup>16</sup> The contract was entered into in the month of May, 1868, and immediately the greatest activity everywhere prevailed in making preparations for undertaking this grade construction over the most difficult portions of the road built by the Union Pacific Company. So prompt was the response to the call for such contractors and teams and men to carry on the work, and so rapidly did they concentrate along the route of the grade, that the surveyors—notwithstanding the promise of the superintendent of construction, Mr. S. B. Reed, that the line for grading should be surveyed in a few days after the contract was let,—were behind with their work and many of the subcontractors were kept waiting for weeks from want of knowing where to work. This, together with the fact that their operation expenses were greatly increased by the severity of the mountain winter, into which the waiting threw them, materially cut down the profits of the subcontractors. The failure of the company to promptly meet payment on contract, also seriously em-

15. The point raised by General Dodge is discussed at length by Whitney, (*History of Utah*, vol. ii, ch. xi). While Brigham Young expressed his desire to have the road pass through Salt Lake City, in the meeting alluded to in the text, the whole tone of his speech manifests somewhat of indifference; and at one point he said: "If the company which first arrives should deem it to their advantage to leave us out in the cold, we will not be so far off but we can have a branch line for the advantage of this city." (*Deseret News*, weekly, June 17th, 1868).

16. *Deseret News*, semi-weekly, of 22nd of May, 1868, where the terms and conditions of the contract are published at length.

barrassed bankers, merchants, and farmers who supplied the contractors with "funds, goods, grains and material." "Notwithstanding these drawbacks," says Bancroft, "the contracts were faithfully executed, and it was acknowledged by all railroad men that nowhere on the line could the grading compare in completeness and finish with the work done by the people of Utah."<sup>17</sup>

#### CONTRACTS ON THE CENTRAL PACIFIC

Contracts were also taken by men prominent in the "Mormon" church from the Central Pacific Railway. The grade of that road, from Humbolt Wells eastward to Ogden, a distance of two hundred miles through a desert country, was built by Lorin Farr, Ezra T. Benson, and Chauncy West, joint contractors. The first was a member of the council of apostles; the last was a bishop, and familiarly known as "Bishop West." Mr. Farr was the president of the Weber stake of Zion, and a number of times, both before and after this contract, was mayor of Ogden city.

#### THE BRANCH LINE FROM OGDEN TO SALT LAKE CITY

Shortly after the completion of the transcontinental railroad, a number of prominent men of the territory organized the Utah Railroad Company, for the purpose of constructing a branch line from Salt Lake City to Ogden.<sup>18</sup> On the 17th of May, ground for the branch road was broken by Brigham Young, near the Weber river, immediately below Ogden city, in the presence of the officers of the road and a large concourse of people.<sup>19</sup> The road—thirty-seven miles in extent—was completed in less than eight months, the

17. Bancroft's *History of Utah*, p. 754.

18. *Deseret News*, weekly, of the 17th March, 1869. "The following gentlemen were elected a board of directors: Brigham Young, William Jennings, Feramörz Little, Christopher Layton and Daniel H. Wells.

At a subsequent meeting of the board Brigham Young was elected president, Wm. Jennings, vice president, Joseph A. Young, general superintendent, Jesse W. Fox, chief engineer, John W. Young, secretary, and D. H. Wells, treasurer.

19. *Ibid.*, of the 19th of May.



last spike being driven at Salt Lake City in the midst of great rejoicing by her citizens, on the 10th of January, 1870. Brigham Young drove the last spike, which was of Utah made iron. There was a large attendance of Union Pacific and Central Pacific railroad officials who participated in the speech-making, felicitating the people of Utah on their widening prospects. The occasion was one that called forth expressions of very general good will, hope of greater expansion, and larger prosperity.<sup>20</sup>

The branch road was wholly built by Utah capital and by Utah labor.<sup>21</sup> It put Salt Lake City practically on the transcontinental railway; and in the years that followed, when other railways crossed the continent, their builders—with better judgment than those who constructed the first,—caused them to pass through Salt Lake City, until now—1930—Utah's capital is on three transcontinental lines, and bids fair to fulfill the expressed conviction of E. H. Harri-man, late president of the Union Pacific and other allied railroads, to the effect that "Salt Lake City would become one of the five great railroad and commercial centers of the United States."

The three transcontinental railroads passing through Salt Lake City—referred to above—are the (1) Denver and Rio Grande and the Western Pacific; (2) Union Pacific and Southern Pacific; (3) Union Pacific and the San Pedro and Los Angeles and Salt Lake Railway.

Altogether, however, "Salt Lake City has six great railroad lines, centering within her limits. These are: the Oregon Short Line, the Denver & Rio Grande, the Union Pacific, the Western Pacific, the Southern Pacific and the San Pedro, Los Angeles and Salt Lake. It is the junction point for four of these lines. The Oregon Short Line

20. For full account of the ceremonies and celebration see *Deseret News* of 12th January, 1870.

21. "Is not the Utah Central Railroad in debt?" asked Brigham Young in his speech at the ceremonies of driving the last spike. "Yes, but to none but our own people." Wm. Jennings, vice president of the road, on the same occasion said: "The Union and Central Pacific lines and almost every line of railroad throughout the country have had to be assisted largely by state or national aid when in course of construction; but the Utah Central has had neither, but is the result of the enterprise, unity and labor of the people of Utah." (*Deseret News* of Jan. 12th, 1870).

connects the city with the north and northwest. It strikes the rich agricultural regions of Idaho and eastern Oregon and the mining camps of Idaho and Montana. It is the only line that enters the famous Yellowstone National Park from the south. The Denver & Rio Grande connects Salt Lake City with Colorado and the east and taps the great coal belt and other mineral bearing zones of eastern Utah. It passes through a country unrivaled for scenic grandeur, as well as forming a line in one of the great transcontinental arteries of commerce. The Western Pacific completes this link to the Pacific coast. It traverses a great region whose possibilities have scarcely been touched. It is built for miles in Utah on a bed of salt, which covers an area nine miles by thirty miles, and has an average depth of ten feet. The San Pedro, Los Angeles & Salt Lake, 'The Salt Route,' connects the city with southern California. It reaches the rich mineral and agricultural portions of southern Utah, southern Nevada and northern Arizona, besides being the outlet for one of the greatest wool-producing regions of the country. \* \* \* The Union Pacific connects Salt Lake City with Wyoming and the east and the Southern Pacific connection with the Pacific coast, traversing northern Utah and Nevada. The Southern Pacific crosses Great Salt Lake in Utah, on a trestle, a unique and world-famous piece of railroad engineering. Other lines of importance are projected for Salt Lake City, one of which, the Moffat line, has already been built a considerable distance westward from Denver. This line, when completed, will open the great hydrocarbon fields of eastern Utah and an agricultural area constituting one-third of the state.'<sup>22</sup>

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22. *Salt Lake City and the State of Utah*, issued by the publicity bureau of the Commercial Club of Salt Lake City, p. 29.

## CHAPTER CXXXIV

DEATHS—TYPES OF LATTER-DAY SAINT WOMEN—"GODBEITE," OR,  
"NEW MOVEMENT"—DEFECTIONS

THE several years immediately preceding the advent of the railroad into Utah, witnessed the passing of a number of prominent officers and members from the service of the church, some by death, and others by the more regrettable circumstance of apostasy.

### WOMEN TYPES OF THE NEW DISPENSATION

Of those who passed from the service by death were two noted women, Vilate Kimball, wife of Heber C. Kimball, and Leonora Taylor, wife of Elder John Taylor. Both these sisters had been leading spirits in the earlier days of the church, in Kirtland and Missouri; also in Nauvoo and in the pioneering days of Utah. Both were types of the early womanhood of the church: noble-minded, high-spirited, intelligent, courageous, independent, cheerful, but profoundly religious and capable of great self-sacrifice under the sense of religious duty; all which is demonstrated in the lives of these two, and practically in the lives of all the early "Women of Mormondom." Never was greater mistake made than when it has been supposed that the women of the church were weak, and ignorant, and spiritless. Such religious movements as that which the world knows as "Mormonism," involving as it has done self-sacrifice, patient, heroic service, through trying years—through whole lifetimes, in fact—cannot be maintained on the womanhood side of it but by high-spirited, virtuous women.<sup>1</sup> Such were the community

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1. Fortunately a volume has been written upon *The Women of Mormondom*, by Mr. Edward Tullidge, which notwithstanding that author's predilection to the intensely dramatic, rather than to the historical style of writing, is a valuable contribution to "Mormon" literature. The keynote of the volume is the vindication of the really high character of "Mormon" womanhood by the consideration of their lives and labors, their suffering and service in the founding of the New Dispensation of the gospel of the Christ. The volume consists of over five hundred and fifty pages. It was published in 1877, New York. Following is the dashing preface, which reflects the spirit of the book:

of women of which these two were but types. Vilate Kimball was the type of American born women of the church; the other, Leonora Taylor, the type of the foreign born.

#### VILATE KIMBALL

Vilate Kimball died on the 22nd of October, 1867. She was the daughter and youngest child of Roswell and Susannah Murray,<sup>2</sup> born on the first of June, 1806, in Florida, Montgomery county, in the eastern part of New York state. She was married to Heber C. Kimball in her seventeenth year, and through the long, toilsome years that lie between that event and her death—including the trying days of Kirtland, Ohio, Far West, Missouri, Nauvoo, Winter Quarters, and the settlement of Salt Lake valley, is a record of patient endurance, of cheerful faithfulness, that gives its own proof of intelligent conception of duty, of a highly noble character sustained by holy faith and trust in God, that marks off this woman and those of which she is but a type, as objects of admiration—daughters of America of whom America may well be proud. At her death Brigham Young, who had known her through forty troubled, adventurous years, assured her family and friends "*that her life had been as honorable as any woman who had ever lived,*" and "*if any person had found fault with her, it was more than he knew.*"<sup>3</sup> She

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"Long enough, O Women of America, have your Mormon sisters been blasphemed!

From the day that they, in the name of the fear of the Lord their God, undertook to 'build up Zion,' they have been persecuted for righteousness sake: 'A people scattered and peeled from the beginning.'

The record of their lives is now sent unto you, that you may have the opportunity to judge in the spirit of righteousness. So shall you be judged by him whom they have honored, whose glory they have sought, and whose name they have magnified."

The theology of the book, especially of chapters xviii, xix and xx, cannot be accepted as orthodox, nor representative of "Mormon" thought or dogma, but the historical facts of the volume, give the women of the Church of the Latter-day Saints the vindication they were entitled to before the world.

2. "The Murrays like the Kimballs, were of Scotch descent, and came to America during the 'Seven Years' War.' As a race they were gentle, kind-hearted, intelligent and refined. Through many of them ran a vein of poetry. Vilate herself wrote tender and beautiful verses." (*Life of Heber C. Kimball*, O. F. Whitney, 1888, p. 25).

3. *Life of Heber C. Kimball*, O. F. Whitney, p. 485.



was noted for great kindness of heart; for patience, justice, and mercy, in the patriarchal family of her husband, and was the friend and confidant of his other wives and their children. At the funeral service of this woman nearly all the prominent church leaders and their families were present; and her grief-stricken husband made the melancholy prediction that he would not long survive her.

#### LEONORA TAYLOR

Leonora Taylor was the daughter of Captain George Cannon, grandfather of the George Q. Cannon who is frequently mentioned in these pages. She was born October 6th, 1796, at the town of Peel in the Isle of Man. From early youth she evinced a strongly religious nature, and in her actions sought divine guidance. It was the conviction received through prayer that "it was the will of God" that she should make the voyage to America, that led her, against the advice of many friends, to accept the position of companion to the wife of Mr. Mason, the private secretary of Lord Aylmer, governor general of Canada. The residence of the Masons was at Toronto, and here, in his capacity of class leader in the Methodist church, she met John Taylor. His first proposal of marriage she rejected, but afterwards in a dream, seeing herself associated with him in his life-work, she became convinced that he would be her husband, and when a second time he proposed she accepted him. Leonora had enjoyed exceptional advantages in life. Her parents dying while she was quite young, the old family estate at Peel was rented to strangers, but she became an inmate of Governor Smelt's family, residing in Castle Ruthen, Castletown, Isle of Man, where she frequently met with many distinguished people from England. She was refined both by nature and education, gentle and ladylike in manner, intelligent, gifted with rare conversational powers, and, withal, beautiful in person as in mind. These graces, however, were for her intimate acquaintances and friends. In mixed companies

she had but little to say, unless especially drawn out, for she was of a retiring, and diffident disposition. She died of pneumonia on the 9th of December, 1868. "Thus passed away from our midst," said the chronicle of her death, "a virtuous, faithful wife, a kind and affectionate mother, a steadfast friend, and a faithful saint."<sup>4</sup> Of woman, and of womanliness, what can be said more?

Neither Leonora Taylor nor Vilate Kimball were prominent in public life. The quiet social circle of intimate friends, and preeminently in the home circle, as confidants and counselors of their husbands; as the mothers of their children and the leading spirits of their households were they distinguished; these were the spheres of their activities, the scenes of their triumphs; and therefore are they the more typical of "Mormon" womanhood, in general, than their sisters, who of necessity,—and worthily and honorably,—have engaged in public service, through the women's auxiliary organizations of the church; for primarily and largely, though not exclusively, the social and domestic circles are recognized in the church as the natural sphere of woman's chief activities.

#### DEATH OF HEBER C. KIMBALL

Among the prominent men passing in the period was Heber C. Kimball, first counselor to Brigham Young in the first presidency. He died on the 22nd of June, 1868—eight months to the day from the death of his wife, Vilate. His death was superinduced by a severe fall from his carriage, which accidentally in the night was driven into a ditch, violently throwing its occupant to the ground. "This accident, though he partly recovered from its effects," says his biographer, "was the immediate forerunner of his fatal sickness." He has already been frequently mentioned in these pages, and appears as the personal friend of Joseph Smith, the Prophet, and of Brigham Young; also as counselor and

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<sup>4</sup>. *Deseret News* of Dec. 14, 1868; also *Life of John Taylor*, chapter iii, *et passim*.

associate Pioneer with Brigham Young in the journey from Nauvoo to the Salt Lake valley; and as the first apostle to open the door of the gospel in a foreign land in the New Dispensation—the founder of the British Mission. It was a great work he accomplished in life, a noble life that he led. He was as stalwart in spirit as in body, a faithful, earnest, disciple of the New Dispensation, of the kind of disciple whose intensity of faith and zeal are so necessary, especially in the commencement of great movements, in the founding of new systems, or the bringing forth of new dispensations out of the old and eternal things.

#### DEMISE OF DANIEL SPENCER

Following the death of Heber C. Kimball came that of a man no less remarkable, Daniel Spencer, president of the Salt Lake stake of Zion, his presidency running through the years from 1849 to the day of his death, which occurred on the 8th of December, 1869. The continuance in that presidency was interrupted by a mission to England from 1852 to 1856, during which time he acted as counselor in the European Mission. He resumed his office in the Salt Lake stake on returning to Utah. Of him I have already spoken in these pages in connection with the early judiciary history of the "State of Deseret" and the territory of Utah; and how his ecclesiastical court, the high council of the Salt Lake stake of Zion, was sometimes preferred by passing California emigrants to the civil courts; and of the substantial justice that characterized his decisions. He was a man of a high sense of honor, as irreproachable in character as in conduct. Daniel Spencer was of Revolutionary ancestry. His father enlisted early in the struggle for American freedom and continued in the service to the close, being among those in Washington's body guard who witnessed the surrender of Lord Cornwallis at Yorktown.<sup>5</sup> In education, in refinement

5. See chapter xc, footnote 7, this *History*; also biographical sketch of Daniel Spencer in Jenson's *L. D. S. Biographical Encyclopedia*, vol. i, pp. 286-9; and in Whitney's *History of Utah*, vol. iv, pp. 87-90. President Young said of him at the funeral

of nature and conduct, in character, and in service achievement, the Spencers were a family of which any movement, political or religious, might well be proud; and of that family Daniel Spencer was a princely representative.

#### EZRA T. BENSON

On the 3rd of September, 1869, Ezra T. Benson, one of the quorum of the twelve apostles since the summer of 1846, died very suddenly of something like heart failure.<sup>6</sup> He, too, came of a Massachusetts family. His labors from the days of Nauvoo until the time of his death identified him with the general incidents that mark off the pioneering period of the church, his last great work being the fulfillment of the contract for constructing the Central Pacific Railroad grade from Humbolt Wells, Nevada, to the junction of that road with the Union Pacific, a contract he executed in partnership with Lorin Farr and Chauncy W. West. This man also was an earnest, faithful disciple, though his zeal found expression in physical pioneering activities rather than in works of scholarship and doctrinal exposition.

It is to be observed that in the obituaries and the remarks at the obsequies of these Pioneers in the New Dispensation, notice is taken of the fact that inroads were rapidly being made on the band of men and women who knew and were associated with the Prophet Joseph Smith, in the early days of the church. Inroads which by now (1930) have removed every man and woman who ever saw the Prophet, as well as those who worked with him in the New Dispensation.

#### APOSTATIC INROADS—THE GROUP

Those who were lost to the church in this period through apostasy were a coterie of rather able, and some of them

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services—"He has been faithful in this holy war [having reference to Elder Spencer's labors in the New Dispensation]. He instructed all with whom he met in the way of life. He never gave counsel, but what marked the way to life everlasting." (*Deseret News* of Dec. 16th, 1868, p. 353).

6. See account of in *Deseret News*, weekly, of Sept. 8th, 1869.



brilliant men; W. S. Godbe, E. L. T. Harrison, Eli B. Kelsey, Henry W. Lawrence, Edward W. Tullidge, T. H. B. Stenhouse, W. H. Sherman. All these men were prominent in the community life of Utah. Messrs. Godbe and Lawrence were prosperous merchants of Salt Lake City, and both active in church service, Godbe as a president in the council of one of the quorums of seventy, a body of the priesthood, it will be remembered, devoted especially to the propaganda activities of the church; Mr. Lawrence was a bishop's counselor, Messrs. Harrison, Kelsey, Stenhouse and Tullidge were all members of the seventy's organization, and were men of more than average literary ability. Also they were men against whom no charge of irregularity of life or immorality was made. It was, so far as their trial and excommunication was concerned, purely a matter of being recalcitrant to the authority and policy of the church. Really and truly, so far as the prime movers were concerned, Messrs. Godbe and Harrison—and some of the others—it was a matter of having lost faith in the mission and authority of the church, despite all pretensions to the contrary, that led to their recalcitrance and its consequences. There are two historians of this "Godbeite movement"—if "movement" it may be called—Edward W. Tullidge and T. H. B. Stenhouse. According to the latter, who is the more reliable in accuracy of statement, the "movement," had its origin in the following facts:

#### ORIGIN OF THE "GODBEITE MOVEMENT"

In the summer of 1868 Mr. Godbe in his capacity of merchant made his annual visit to the east to purchase his supply of merchandise accompanied by his friend Mr. E. L. T. Harrison. The latter was an architect by profession, but had been engaged for some time in a literary venture in partnership with Mr. Tullidge, publishing the *Utah Magazine*, which venture, owing to the very limited community in which it was published, was fast hastening to a disastrous ending; and the visit to the east, on the part of Mr. Harrison,

was in the nature of a vacation from the care and worry of publishing the magazine. *En route* for the east the two friends had time for reflection and the opportunity to compare their conclusions:

"Both of them had struggled to preserve their faith in Mormonism, but the contents of the *Book of Mormon*, critically viewed, was a terrible test of credulity, and many of the revelations of 'The Lord' savored too much of Joseph Smith, and abounded with contradictions, and were very human at that. As for Brigham, '*he was a hopeless case; many of his measures were utterly devoid of even commercial sense, and far less were they clothed with divine wisdom. In all his ways, he [Brigham] was destitute of the magnanimity of a great soul, and was intensely selfish.*' To their developed intellects now, Mormonism seemed a crude jargon of sense and nonsense, honesty and fraud, devotion and cant, hopeless poverty to the many, overflowing wealth to the favored few—a religion as unlike their conceptions of the teachings of Christ, as darkness is to light."

This statement of facts Mr. Tullidge carefully omits where he quotes Mr. Stenhouse's account of the inception of the "movement," and he nowhere states it in his own idealized account of that "movement."<sup>8</sup> It is a very serious omission because the mental attitude of these two leaders in the inception of their work determines the quality of the whole movement. They were far advanced in apostasy from the faith when making this eastward journey. Mr. Stenhouse represents that they were conscious of this condition: "They discovered, clearly enough," he writes, "that they were—in the language of the orthodox—'on the road to apostasy,' yet in their feelings they did not want to leave Mormonism, or Utah." There followed a great mental struggle. On arriving in New York, and being comfortably located in their hotel, they resolved to seek a solution to their perplexity in prayer. While praying "a voice spoke to them, and made some communication upon the subject which most interested them." After this first experience Mr. Harrison formulated a series of questions, and in the evening by

7. *Rocky Mountain Saints*, p. 630.

8. The Godbeite Movement, *Tullidge's Quarterly Magazine*, Oct., 1880, pp. 15, 16, *et seq.*

appointment, "a band of spirits came to them, and held converse with them as friends would speak with friends. One by one the questions prepared by Mr. Harrison were read, and Mr. Godbe and Mr. Harrison, with pencil and paper took down the answers as they heard them given by the spirits." "This is their statement," says Stenhouse, "and they firmly believe it"<sup>9</sup>—the account was published while the gentlemen were still living.

#### "SPIRITISM" ON "MORMONISM"

"With these 'communications' was given much information about Mormonism, how it originated, and how Joseph Smith had, by reason of his surroundings, his lack of education, the traditions of past ages, and the current ideas of christendom, turned his 'mediumistic' experience into the church-kingdom-building scheme that is known in Utah. What was true about Mormonism, they were told, should be preserved, and what was false should be rejected."<sup>10</sup>

With this, known as the revised conception of "Mormonism" by these gentlemen, the student of this "movement" will be able to rightly assess the value of such claims as they subsequently made about "their standing in the church *being dear to them*;"<sup>11</sup> and also of Mr. Godbe's signed statement, wherein he says: "With regard to apostasy," [with which he was charged] "*I know myself to be wholly innocent*; the truth of which, God in the early future will make fully apparent."<sup>12</sup> Also the student in the light of these facts will be able rightly to estimate the value of Mr. Tullidge's statement that the "Godbeite movement was a revival of the Messianic and Millennial spirit among the Mormon

9. *Rocky Mountain Saints*, p. 631.

10. *Ibid.*, p. 232.

11. "We claim the right of respectfully but freely discussing all measures upon which we are called to act," said the written and signed statement of Godbe and Harrison at the trial for their fellowship. "And if we are cut off from the church for asserting this right, *while our standing is still dear to us*, we will suffer it to be taken from us sooner than resign the liberties of thought," etc., etc. (*The Godbeite Movement*, Tullidge's *Quarterly Magazine* for October, 1880, p. 25).

12. *Ibid.*, p. 40.

people, who were chosen to open the dispensation forty years before, but who had come so very nearly losing it altogether."<sup>13</sup>

#### EFFORTS LEVELED AT THE "SUPREMACY" OF BRIGHAM YOUNG

Returning to Utah the New York experiences of Messrs. Godbe and Harrison were detailed to their particular friends, Kelsey, Lawrence, Tullidge *et al.* "Believing that Brigham," continues Stenhouse's account of the movement at this point, "had set out to build up a dynasty of his own, and that he, like David, the king of Israel, looked upon the people as his heritage, these four elders (Godbe, Harrison, Kelsey and Tullidge) resolved to sap the foundations of his throne, and place before the people the best intelligence they could command to enable them to realize their true position."<sup>14</sup> This intention in confidence they conveyed to Henry W. Lawrence, who "gave valuable material support" to the movement. The *Utah Magazine*, which before this was fast hastening to an inglorious close, was given a new lease of life and pressed into service. The plan was to have articles appear in this magazine from time to time which in an insidious way would indirectly attack the policies of President Young, in the hope that a popular sentiment might be created against, and overthrow them, and with them destroy the dominating influence of the president himself.<sup>15</sup> While this scheme

13. *Ibid*, p. 16.

14. *Rocky Mountain Saints*, pp. 632-633.

15. "Not a word was ever said against Brigham or the faith; no fault was found with any one or anything, but week after week the whole strength of four vigorous pens was let loose upon the ignorance and superstitions of the age. Brigham had instilled into the minds of the saints that the world was degenerating to an end, propelled by lightning speed; Kelsey, without ever squinting at the prophet, wrote the history of the past, and showed 'How the World had Grown;' Tullidge resuscitated the 'Great Characters of the World,' and without once alluding to Brother Brigham, dwelt upon a philosophical faith; and Godbe exhibited the possibility of honest error. With such minds at work, and with such a field for labor, and innumerable subjects to handle, the writers had only to study caution and prudence. \* \* \* Some very pungent articles had been published in the *Magazine*, that had awakened attention, and in some measure they had foreshadowed a purpose on the part of the writers to judge of the teachings and measures of Brigham Young as they would those of any other man; but of the true nature of the 'movement' they were inaugurating, nothing had been fairly stated. The writers at first only aimed to provoke the people to thinking." (*Rocky Mountain Saints*, pp. 633, 637).



was developing several of those engaged in it were called upon missions, namely, Mr. Harrison, to England; Mr. Kelsey, to the eastern states; and Mr. Sherman elsewhere.<sup>16</sup> This, doubtless, in the hope that renewal of the missionary spirit would stay the spirit of apostasy which began to be manifested in the writings of these brethren in the *Utah Magazine*; but the missions were declined.

#### POLICIES OF BRIGHAM YOUNG ASSAILED

The opposition of this coterie touched the policies of President Young and of the church at several points. The approaching railroad would bring goods from the east at greatly reduced prices as compared with goods manufactured in Utah. If the home manufacturers were to be maintained, then the cost of production must be lowered, both by improved methods of production,<sup>17</sup> and especially at the point of wages. Accordingly, at the School of the Prophets, held in Salt Lake City on the 4th of July, 1869, a committeeman from each of the trades was elected to submit to the trades the proposition of reducing the wages of mechanics, that Utah might be able to compete with the manufactures of the states."<sup>18</sup> This effort to lower wages was seized upon by

16. *Tullidge's Quarterly Magazine*, October, 1880.

17. On this particular point the *Deseret News* editorially made the following sensible remarks in the nature of a warning to home manufacturers: "By the completion of the railroad we are going to be brought into competition with our neighbors east and west in all branches of production and manufacture. In view of this our mechanics must arrange matters in such a manner that they can command the trade of the territory. If their methods of labor and manufacturing are slow and expensive, they must avail themselves of machinery, and the various aids which men in their branches of business use in the east and west; for if they do not produce as good an article at as low a price, as it can be brought here from other places, they will be likely to find the market stocked from abroad and their wares will go begging. We have men among us, though they are not numerous, who, if they can make twenty-five cents by bringing an article from abroad do not hesitate to send for it in preference to purchasing a home manufactured article of the same quality. To control this market, therefore, those who manufacture and produce, must do so at rates so favorable that nothing in their line produced or manufactured elsewhere can find sale here except at a loss. The tariff on freight brought from the east or west answers as good a purpose as a protective duty, and we will be highly culpable if we do not take the necessary steps to supply ourselves from our own productions and manufactures to the extent of our power." (*Deseret News* of March 3rd, 1869).

18. *History of Brigham Young, Ms.*, entry of July 4th, 1869, p. 598. The subject is referred to in the brief minutes of the School in the same record at p. 638, where reference is made to the report of the committee appointed being read;

the Godbeite writers in which they posed as the champions of the wage earners, and resented what they alleged to be an attempt "to fix the rates of wages" by the "men who paid the wages and not the men who received the wages,"<sup>19</sup> ignoring altogether the fact, quoted above, that it was a committee composed of one member from each of the trades to which the subject was referred by the School of the Prophets for consideration.<sup>20</sup>

#### THE "UTAH MAGAZINE" AND ITS POLICY

Although the *Utah Magazine* had for some time "vigorously and enthusiastically sustained the cooperative movement," during the absence of Harrison and Godbe in the east, yet its support was soon withdrawn from this as from the other policies of the church.<sup>21</sup> Henry W. Lawrence, who

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again at p. 823. The School of the Prophets was a select gathering of the brethren of the priesthood, meeting regularly through these years to be taught in the doctrine of the gospel and in the policies of the church. Admission was by card and the sessions confidential. Here questions of practical affairs as well as of theological importance were freely discussed and instruction and council given according to the wisdom of the assembly or the presidents thereof. Hence the action named in the text above with reference to the question of wages and trade and manufactures being brought before that body.

19. Tullidge's *Quarterly Magazine*, Oct., 1880, p. 18.

20. After several sessions devoted to the subject, including discussion of the resolution submitted by the committee to the School, it seems to have been determined not to attempt to settle the rate of wages by convention, but to leave it to the adjustment of natural trade forces. (See the citation in note 17 this chapter; also Tullidge's *Quarterly Magazine* as above, pp. 18-22.) Tullidge's charges that George Q. Cannon, then editor of the *Deseret News* threatened that Chinese labor would be brought into Utah if the "working men did not come to terms." Mr. Cannon in several editorials discussed the question of Chinese labor in California, and rather in a tone that sympathized with the Orientals; but at no point did the editorials amount to a threat to Utah workmen. I presume the passage Tullidge had in mind would be the following: "There is probably no people on the continent who are likely to be less disturbed or affected by the introduction or non-introduction of this element than the people of Utah. If the people act with the union and wisdom which have heretofore characterized their movements, they are and will be safe from all disturbance. There is no class, American, European or Asiatic, the influx of which can harm them. If they act wisely, and in accordance with the counsel which is given, they can sustain themselves and be as independent as any community in the world. It is the union of the people which has produced the remarkable results that are everywhere apparent in this territory, and that concert of action, carried out and maintained in all the details of labor, will give us continued supremacy." (*Deseret News* of July 14th, 1869. See also *Deseret News* editorials of May 26th and June 30th, same year).

21. See Tullidge's *History of Salt Lake City*, p. 401. The *Utah Magazine* was a weekly periodical, the literary successor of the *Peep O' Day*, the latter being an experiment by Harrison and Tullidge to make literature a profession in Utah; but meeting with insuperable difficulties,—among which were a limited community from which to draw subscribers; and the high cost of paper, sixty cents per lb., and some-

was early informed in confidence, of this "new movement," gave to his friend Godbe valuable material support, and became an important factor in the plans of the movement. He resigned as a director and withdrew his capital (\$30,000) from Z. C. M. I.<sup>22</sup> It was planned for one of the writers of the magazine—Mr. Tullidge—to resuscitate the "Great Characters" of the world; "and without once alluding to Brother Brigham, the contrast was to be to his disadvantage." In like surreptitious manner the doctrine of obedience to the church as taught by Brigham Young was assailed; Harrison dwelt upon what he and his conferrers regarded as a philosophical faith, but which neither in premises nor conclusions was "Mormonism;" "and Godbe exhibited the possibility of honest error."<sup>23</sup> Finally the magazine, in an article on the

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times not to be had at that price—it failed. Then came the *Utah Magazine* in January, 1868, started for the same purpose; it was to be a magazine of general literature, with Wm. S. Godbe as its patron, Eli B. Kelsey as business manager, E. L. T. Harrison as editor. It was started with the approval of President Young, though he expressed himself doubtful of its success as a financial venture. The *Deseret News* on receiving the first number said that it was an enterprise worthy of commendation and support; and further of its character—"The *Utah Magazine*, in its first number, presents a very attractive appearance, more so than could have been expected considering the difficulties the editor had to encounter in procuring type, etc. The articles—original and selected—are excellent; and the paper may claim to be a valuable addition to the literature of our territory." (*Deseret News*, weekly, Jan. 22nd, 1869). When the *Utah Magazine* was enlarged and assured of prolonged life the *News* not knowing, of course, the secret intention of its proprietors to make it a periodical with a mission, and that mission anti-"Mormon" in spirit, but still regarding it as an honest effort in the direction of general literature—again made favorable mention of it in its new and enlarged form. (See *Deseret News* of May 5th, weekly, 1869). The magazine in all ran through two series and three volumes, when it was succeeded by the *Mormon Tribune*.

22. "At the very time when this organization was formed [i. e. Z. C. M. I.], which began its career 1st of March, 1869, the 'new movement' had already been resolved upon so that though Henry W. Lawrence put \$30,000 into the Z. C. M. I., and became one of its directors, he was, to so express the historical complexity, a 'new movement leader.'" So writes Tullidge; and as if in apology for this "historical complexity," he adds: "The force of circumstances in those times compelled us all to wait for the development of events which depended upon the action of President Young himself." (See Tullidge's *Quarterly Magazine*, Oct., 1880, p. 17; also p. 42. Tullidge's *History of Salt Lake City*, p. 401). And hence we have both men and a magazine posing in one capacity and acting another; all which will make it very difficult for Mr. Tullidge, one of the historians of the movement, to maintain his proposition that there was "no conspiracy in the dark against Brigham Young;" but a "social revolution was forced upon these 'reformers,' 'by coming events.'" (Tullidge's *Quarterly Magazine*, p. 18).

23. The Godbeite Movement, Tullidge's *Quarterly Magazine*, Oct., 1880, pp. 15, 16. Godbe's "possibility of honest error," became a catch phrase during and after the trial of these men for their fellowship. "We inquired," says Harrison in a note on the trial, published by Tullidge, "Whether it was not possible for us to honestly

"True Development of the Territory," came out in bold opposition to President Young's policy of mining for the precious metals in Utah; the policy that discouraged development of such mines, lest it should attract to the territory the floating, adventurous, half desperate, and somewhat lawless population of the west, then roaming from mining camp to mining camp in pursuit of large and sudden wealth. It mattered not that the argument advanced by the magazine was economically sound, *viz.*, that Utah's greatest natural resource, in which she could best compete with other states in the race of material progress, was by the development of her stores of mineral wealth. The question from Brigham Young's standpoint, and that of the other church leaders associated with him, was not one of material prosperity, but one of community preservation—the preservation of the Latter-day Saints as the dominating factor in the territory until they should be so established as a people that they could not be removed, or overslaughed by the influx of a population of different ideals, and aspirations—a population, in this instance, whose God was gold, not Jehovah; whose aim was large and sudden wealth—not the founding of a city or of a commonwealth whose builder and maker is God.

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differ from the presiding priesthood, and were answered that such a thing was impossible. 'We might as well ask whether we could honestly differ from the Almighty.' Against this excess of authority we solemnly protested." (*Ibid*, p. 32). This answer to the dissenters was alleged to have been made by George Q. Cannon; it is therefore proper that his version of that matter be given. "A friend . . . wished to know whether we had said that we considered an honest difference of opinion between a member of the church and the authorities of the church was apostasy, as he said, we had been credited with having made a statement to this effect. We replied that we had not stated that an honest difference of opinion between a member of the church and the authorities constituted apostasy; for we could conceive of a man honestly differing in opinion from the authorities of the church and yet not be an apostate; but we could not conceive of a man publishing those differences of opinion, and seeking by arguments, sophistry and special pleading to enforce them upon the people to produce division and strife, and to place the acts and counsels of the authorities of the church, if possible, in a wrong light, and not be an apostate; for such conduct was apostasy as we understood the term. We further said that while a man might honestly differ in opinion from the authorities through a want of understanding, he had to be exceedingly careful how he acted in relation to such differences, or the adversary would take advantage of him and he would soon become imbued with the spirit of apostasy, and be found fighting against God and the authority which He had placed here to govern his church." (*Deseret News* editorial, George Q. Cannon, editor, impression of Nov. 3rd, 1869).



The aim—one may say the life aim—of Brigham Young was to see the Latter-day Saints become “a great and a mighty people in the midst of the Rocky Mountains”—in other words, to fulfill the prediction of Joseph Smith on that head. Clearly it was not for these men—self-styled and self-appointed reformers—to undertake to change a policy deemed so vital to the community’s interest on their own initiative, so long as they professed allegiance to the church.

#### ECCLESIASTICAL TRIALS FOR APOSTASY

It was evident by the publication of this article on the “True Development of the Territory,”<sup>24</sup> that the point of rupture between this group of malcontents and the church had been reached. They were all members of the School of the Prophets. Of late they had been neglectful in attendance upon its sessions; and on the 16th of October, 1869, the course they had been pursuing was considered and they were disfellowshipped from the church until they appeared and gave satisfactory reasons for their irregular attendance upon the School.<sup>25</sup>

At the next session of the School of the Prophets not only irregularity of attendance upon the School’s sessions but the whole attitude of these “reformers” as expressed in recent articles of the *Utah Magazine* was discussed; and became of defiant adherence to the policy of systematic opposition of the recent *Utah Magazine* articles, those who persisted in that adherence were required to give up their tickets of admission to the School.<sup>26</sup> while Godbe and Harrison

24. The publication of this article gave very great satisfaction to the Gentile population of course. Anything that gave evidence of a break in the unity of the saints was applauded by them. “You boys have struck the blow in the right place,” observed Mr. J. R. Walker. “The agitation for the opening of the mines was the ‘right place’ for Utah’s social redemption,” continues Mr. Tullidge’s account, “therefore had we struck there first before proclaiming any spiritual or religious movement.” (The Godbeite Movement, Tullidge’s *Quarterly Magazine*, Oct., 1880, p. 28).

25. *Ibid*, p. 28, where the formal notification of the action from the secretary will be found.

26. Those who surrendered their tickets were William S. Godbe, Elias L. T. Harrison, Henry W. Lawrence, Fred T. Perris, Edward W. Tullidge, and John Tullidge. (Godbeite Movement, Tullidge’s *Quarterly Magazine*, p. 31).

were cited before the high council of the Salt Lake stake of Zion for trial upon the charge of apostasy. Before the high council the fact of apostasy was too apparent to require long discussion. Indeed the proceedings scarcely took the form of an examination and trial. The men arraigned took occasion to read a series of resolutions which were both a protest to the administration of President Young, and an outline of a proposed reform program, what Tullidge characterizes as declaring "a rival mission" to that of Brigham Young, and concedes that there was nothing "for the high council to do but to *excommunicate these men of a rival mission.*"<sup>27</sup> The high council voted for their excommunication, and because Eli B. Kelsey voted against the high council's action, and because at every point he had shown himself in complete sympathy with these dissenters, his name was included with theirs in the act of excommunication. Very soon afterwards Henry W. Lawrence, T. H. B. Stenhouse, William H. Sherman, and Edward W. Tullidge, were added to the list of the excommunicated dissenters. In addition to this act of excommunication the *Utah Magazine* was condemned as "a periodical that in its spirit and teachings is opposed to the work of God. Instead of building up Zion, and uniting the people, its teaching would destroy Zion and divide the people; \* \* \* therefore we say to our brethren and sisters in every place, the *Utah Magazine* is not a periodical suitable for circulation among or perusal by them, and should not be sustained by them."<sup>28</sup>

#### "THE CHURCH OF ZION"—A RIVAL MISSION

After this the opposition of the dissenters was more pronounced. Public meetings were regularly held on Sundays, and a rival church, with a ministry, and a restated

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27. Tullidge's *Quarterly Magazine*, Oct., 1880, pp. 31, 32. The protest of Godbe and Harrison also appears in the same Tullidge article, pp. 34, 35.

28. *Deseret News* of Nov. 3rd, 1869. The article was signed by Brigham Young, George A. Smith, Daniel H. Wells, Orson Pratt, Wilford Woodruff, George Q. Cannon, Joseph F. Smith.

faith, was to be promulgated. "A great and divine movement was at hand; the church would find its second birth and commence a new era in her career." The name of the new church was to be styled "The Church of Zion;" the ordinances and principles were to remain "in tact as at present;" no priesthood or standing in the church would elevate the possessor, or obtain for him any distinction in the sight of God; all was to be very democratic, very just, very charitable, very saintly, and very easy. The burdens of tithing lightened and made to fall chiefly upon the rich; and the practice of plural marriage, not to be abandoned, was to be placed upon "the highest grounds." Who the head of the church would be in this "new era," Messrs. Godbe and Harrison claimed not to have the prerogative to say, further than to announce that God would "produce the proper man in due time;" and that he would be neither of them.<sup>29</sup> The proper man, however, did not appear; the "movement never materialized into an organization." In a short time the fires of enthusiasm for reform began to burn less fiercely, to smolder, and finally to die out. The "reformers" turned each to some secular pursuit, and the church was permitted to pursue the even tenor of its way, unhampered by the unfriendly activities of this coterie of more or less brilliant men. The Godbeite movement reminds one of that class of reform movements which Victor Hugo describes as beginning "by attacking the republic" and ending with "robbing a diligence,"<sup>30</sup> so anti-climax was its ending.

#### DEFECTION OF AMASA M. LYMAN

Soon after the inauguration of the "new movement" it was joined by Amasa M. Lyman, formerly one of the twelve apostles, although he did not figure very largely in it. Elder Lyman, while on his mission in Europe with Charles

29. All these ideas and announcements through "manifestos," "platforms," "creedal declarations, etc., will be found in History of the Godbeite Movement in Tullidge's *Quarterly Magazine*, Oct., 1880.

30. *Ninety-Three*, Sidney Library edition, p. 267.

C. Rich and George Q. Cannon delivered a discourse in Dundee, Scotland, on the 16th of March, 1862, which virtually denied the necessity of, and the fact of, the "Atonement of Jesus Christ."<sup>31</sup> No satisfactory explanation appears why this matter was allowed to pass apparently unnoticed until the 21st of January, 1867. But it was not until then that Elder Lyman was brought before the council of the twelve for his heresy. "The quorum of the twelve" says the account of the meeting, "were horrified at the idea that one of the twelve apostles should teach such a doctrine." When interrogated upon the subject Elder Lyman avowed that such had been his views—that is, that men were not saved through any atonement made in the death of the Christ. Each of the quorum then spoke against the views of Elder Lyman. Elder Woodruff said, "that he felt shocked at the idea that one of the twelve apostles should get so far into the dark as to deny the blood of Christ, and say that it was not necessary for the salvation of man and teach this as a true doctrine, while it was in opposition to all the doctrine taught by every prophet and apostle, and saint from the days of Adam until today. The *Bible*, *Book of Mormon* and *Doctrine and Covenants* teach, from beginning to end, that Christ shed his blood for the salvation of man, and that there is no other name given under heaven whereby man can be saved. And I can tell Brother Lyman that his doctrine will send him to perdition if he continues in it, and so it will any man; and furthermore, such a doctrine would send this church and kingdom to pieces, like an earthquake. There never was and

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31. In the aforesaid discourse, after affirming the innocence of the spirits of men in their pre-earth existence, Elder Lyman asked the question—"But was it decreed, then, that Jesus should die to save men who were thus pure and holy? No: it did not form any part of the purpose of God that he should die. . . . 'Why' says one, 'I supposed that it was predetermined before the world was that Jesus must die, and that naught but his blood could bring God's children back to the home from whence they had simply gone abroad for a time.' Is it said so in the scriptures? No! . . . But did not this gospel have associated, as a necessary prerequisite for man's salvation the death of Jesus? No; for if so, he failed to tell the people the true nature of the gospel he preached, and his mission among men, and the means by which eternal life was to be gained." (*Millennial Star*, vol. xxiv, p. 213. The discourse entire fills pp. 209-217).



never will be, a saint on the earth that believes in that doctrine, it is the worst heresy man can preach."<sup>32</sup>

After the twelve were through speaking Elder Lyman was very much humbled "and asked forgiveness." The council repaired to President Young's office, where the matter was presented to him. The president sustained the views of the twelve and emphasized them, "and required Brother Lyman to publish his confession and make it as public as he had his false doctrine."<sup>33</sup> To this he evidently consented for a most humble acknowledgment of his error was published in the *Deseret News*!<sup>34</sup> Unhappily, however, Elder Lyman did not adhere to his confession of error, but in a few months reaffirmed his conviction of the accuracy of the principle of his Dundee discourse against the necessity of, and the fact of, the atonement; and as a result of this course, after an investigation by three of the apostles,<sup>35</sup> Elder Lyman was excommunicated from the church by action of the twelve apostles in a council meeting at St. George, May 6th, 1867;<sup>36</sup> which action was ratified by the general conference of the church on the 8th of October following.<sup>37</sup>

32. *History of Brigham Young, Ms.*, 1867, pp. 59, 60.

33. *Ibid.*, p. 60.

34. Impression of Jan. 30th, 1867. The opening paragraph is instructive and comprehensive: "I have sinned a grievous sin in teaching a doctrine which makes the death and the atonement of Jesus Christ of no force, thus sapping the foundation of the Christian religion. The above mentioned doctrine is found in a discourse which I preached on the 'Nature of the Mission of Jesus,' on the 16th of March, 1862, in Dundee, Scotland, and which was published in the *Millennial Star*, No. 14, volume xxiv. The above preaching was done without submitting it to, or seeking the counsel of those who bear the priesthood, with whom I am associated. In this I committed a great wrong, for which I most humbly crave and ask their forgiveness, as I do also of all the saints who have heard my teaching on this subject. . . . (Signed) 'A. M. Lyman.'" (*Deseret News* of Jan. 30th, 1867). The church publications in Europe were asked to copy this confession).

35. The names of the three apostles making the investigation were John Taylor, Wilford Woodruff, George Q. Cannon.

36. *History of Brigham Young, Ms.*, 1867, pp. 502-4. The apostles who acted at this time—their names appear signed to the minutes of the meeting—were: John Taylor, Wilford Woodruff, George Q. Cannon, Erastus Snow, Orson Hyde, Ezra T. Benson, Lorenzo Snow, Orson Pratt, Sen., Charles C. Rich.

37. See Minutes of the Conference for October, 1867, in *Deseret News*, of Oct. 9th, 1867. Elder Joseph F. Smith was sustained to fill the vacancy in the twelve, created by the conference action in Elder Lyman's case.

## CHAPTER CXXXV

UTAH MISSION OF THE "REORGANIZED CHURCH"—VISIT OF VICE  
PRESIDENT COLFAX TO UTAH—CONTEMPLATED "MORMON" CRU-  
SADE—NOTABLE DEBATES

IN the midst of the Godbeite movement, treated in the preceding chapter, Alexander H. Smith, and David Hyrum Smith, made their appearance in Salt Lake City as missionaries from the "Reorganized Church of the Latter-day Saints," the headquarters of which was at Plano, Illinois. Alexander was the third son of the Prophet, and David, his posthumous son, having been born on the 18th of November following his father's martyrdom, 27th of June, 1844. They came to urge the claim of their brother, "Young Joseph," as the oldest son of the Prophet was then called, to the presidency of the church, both on account—as they claimed—of the place being his by heredity, and by reason of an alleged ordination to the office by his father previous to the martyrdom. The Smith brothers obtained an interview with President Young in his office, in the presence of a number of leading officers of the church, among whom were a number of the cousins and perhaps other relatives of these young men. The interview was not satisfactory on either side; from no human standpoint, perhaps, could it be expected that it would be, in view of the conflicting claims and interests represented by the parties to it. The use of the Salt Lake City tabernacle for a public meeting that the two young men applied for was refused by President Young, and reference to past events at Nauvoo resulted in some unpleasantness of feeling.<sup>1</sup>

### A FORMER "JOSEPHITE" MISSION IN UTAH

Several years before this, *viz.*, in 1863, two missionaries

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1. See *Rocky Mountain Saints*, pp. 628-9; Bancroft's *History of Utah*, pp. 644-46; *True L. D. S. Herald*, vol. xvi, pp. 84-86, Alex. H. Smith's letter describing the interview; *Ibid*, pp. 129-131. David Smith's account of the same.

from the "Reorganized Church," Edmund C. Briggs and Alexander McCord, visited Utah, and took up a proselyting work in which, it is claimed, they succeeded in bringing into their fold about three hundred members, half of whom, according to Waite, left Utah for the eastern states in the following summer.<sup>2</sup> It scarcely seems likely that there was any connivance between the Godbeite movement and the advent of this second Utah mission from the "Reorganized Church," and doubtless their appearance at that juncture falls under the head of what men call "mere coincidence." What was lacking in cordiality in President Young's reception of these messengers of a rival organization was of course granted by the dissatisfied elements in the Church of the Latter-day Saints, by apostates, and by the Gentiles. Walker Brothers tendered the use of "Independence Hall," the Gentile forum for everything anti-"Mormon;" and here the young men began their mission. The people naturally had a curiosity to both see and hear the sons of the first Prophet of the New Dispensation, and crowded their first meetings. Elder Joseph F. Smith, recently received into the apostles' quorum, a cousin of Alexander and David Smith's, opposed their propaganda in a brief series of public discussions, in which he readily established the fact that Joseph Smith, the first Prophet of the New Dispensation, was responsible for the introduction of the plural marriage system of the church both in principle and practice—which the representatives of the new organization denied; also he proved the legality of Brigham Young's succession to the presidency under the principles of ecclesiastical government revealed to the church.

The Godbeite party affected through its organ, the

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2. Waite's *The Mormon Prophet*, pp. 128-129. That the "emigration" eastward might not lack dramatic interest, Waite also states that "General Connor deemed it necessary and advisable to send a strong escort with them as far as Green river, about 145 miles." (*Ibid.*). Judge Waite opened his house for these "elders" of the "Reorganized Church" to preach in whenever they wished. (Letter from Edmund C. Briggs in the *True L. D. S. Herald*, vol. iv, pp. 89, 90. Copied into *History of the Church*, i. e. "Josephite," history, vol. iii, pp. 330-2.) Bowles also says these converts "left Utah in 1864-5 under government protection, for fear of massacre by the instruments of Young." (*Our New West*, p. 268).

*Utah Magazine*, to act the part of an umpire in the controversy for a time, but were not prepared to accept the principle of heredity advocated by the "Reorganized Church" representatives;<sup>3</sup> and as nearly all the leaders in that movement were practical polygamists, and declared their intention to maintain that principle,<sup>4</sup> they could not accept the viewpoint of the Smith brothers upon that subject; and hence there was no ground upon which the two factions could form any practical alliance; and the "Reorganized" agents were soon dropped by the Godbeites.

The effect of the whole movement of the "reorganization" under the Smith brothers, upon the Church of the Latter-day Saints in Utah, from first to last in anti-"Mormon" literature is given an unwarranted importance, as well in the first as in this second mission to Utah. To represent, as Bancroft does, that "at first the followers of Brigham trembled for the supremacy of their leader,"<sup>5</sup> referring to the mission of the Smith brothers in Utah, is ridiculous; there never was any such trembling by anybody, anywhere, at any time. Though given encouragement by the Gentiles of Salt Lake City, by the Godbeites, by the United States officials of Utah, by the Colfax party, who happened to be passing through Utah on their second visit when the Smith brothers were making their utmost efforts at propaganda<sup>6</sup>—yet not

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3. The Godbeite leaders charged that Brigham Young was himself planning to establish a dynasty of his own house, to hold the presiding offices in the church, and Stenhouse declares that the Godbeites seized upon the contention of the Smith brothers on the subject of heredity, to "tell Brigham Young what the people felt respecting his dynasty project;" and quotes the following from a *Utah Magazine* editorial: "If we know the true feeling of our brethren, it is that they never intend Joseph Smith's nor any other man's son to preside over them, simply because of their sonship. The principle of heirship has cursed the world for ages, and with our brethren we expect to fight it till, with every other relic of tyranny, it is trodden under foot." (*Rocky Mountain Saints*, p. 635).

4. The Godbeite Movement, Tullidge's *Quarterly Magazine*, Oct., 1880, p. 51.

5. Bancroft's *History of Utah*, pp. 645-6.

6. Mr. Colfax resents somewhat bitterly—while overstating both the nature and the volume of opposition made to the Smith brothers in Utah—the refusal of President Young to open the tabernacle and the "Mormon" meeting houses to the propagandists of the 'Reorganized Church.' " (See *The Mormon Question*, a discussion between Vice President Schuyler Colfax and Elder John Taylor, *Deseret News* print—



all these circumstances could render their mission formidable. The utter lack of substance in the things for which they contended, coupled with "hopelessly mediocre ability"<sup>7</sup> in the propagandists, doomed their mission from the first to abject failure in Utah.

INFLUX OF PROMINENT VISITORS TO UTAH DURING THE FIRST  
SIX MONTHS OF THE RAILROAD'S ADVENT

One expectation with reference to the completion of the transcontinental railroad began early to be realized—the influx of prominent visitors to Salt Lake City and the territory. In mid-June, 1869, came Hon. Benjamin F. Wade, late president of the United States senate, and author of the Wade bill considered in a previous chapter. He was accompanied by his wife. At the same time came General Philip H. Sheridan and several officers of his staff, Generals Boynton, Hopkins, and Rucker; United States Senator Roscoe Conklin, of New York, Mr. Julian, of Indiana, a member of the house committee on territories, and later the author of a bill of one section granting the elective franchise to the women of Utah; Governor Campbell of Wyoming and others.<sup>8</sup>

Besides those mentioned came, during the first six months after the completion of the railroad—J. E. Caldwell Heyer, editor of the *Chicago Journal of Commerce*; the Congressional Committee of Ways and Means, *en route* for the Pacific coast, headed by the chairman, Hon. Samuel Hooper of Massachusetts, visited the city, and were serenaded at their hotel. Hon. W. D. Kelley of Penn. thanked the citizens in behalf

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1870—p. 14.) Elder Taylor's answer to this resentment was: "We do not invite men of almost all persuasions to preach to us in our tabernacles, but we are not so latitudinarian in our principles as to furnish meeting houses for all; we never considered this a part of the program." (*Ibid*, p. 23.)

7. "They were men almost without force of character, of lamb-like placidity, and of hopelessly mediocre ability; not shrewd enough to contend with their opponents, and not violent enough to arouse the populace. They accomplished little for the 'Reorganized Church.'" (Bancroft's *History of Utah*, p. 646.)

8. *Deseret News* of 15th and 16th of June, 1869.

of the committee. On the same day arrived Miss Anna Dickinson, a lecturer on woman's rights, education, etc. She was accompanied by her brother, Rev. J. Dickinson. The noted lady lecturer remained long enough—from the 19th to the 23rd of June—to gather *data* for an anti-“Mormon” lecture which she afterwards delivered, it is said, with great *eclat*. On the 20th of the same month—Sunday—Rev. Dr. Todd, of Pittsfield, Mass., a Congregational minister, and author of *The Serpent in the Doves Nest* (a sex theme) and other books, occupied the tabernacle pulpit. Baron Gauldree Boilleau, formerly French consul at New York, envoy extraordinary and minister plenipotentiary from the court of France to Peru. A large eastern party of railroad magnates and their wives, accompanied by a number of newspaper writers and editors, among them Horace White, editor of the *Chicago Tribune*, arrived on the 26th of June. “Ned Buntline,” otherwise Colonel E. Z. C. Judson, writer and lecturer. He remained some time in the city, wrote poetry about it (see poem in *Deseret News* of July 7th), and finally lectured on a local subject—“The Industrial and Social Importance of Total Abstinence from the use of Intoxicating Drinks, as Exemplified by the People Here”—Salt Lake City. Crosby S. Noyer and S. H. Kaufman, editors of the *Washington Evening Star*; the Wisconsin party, of twenty-seven, state officials, legislators, bankers and editors, chiefly. In August came Dr. G. L. Miller, editor of the *Omaha Herald*, who ever after was the steadfast friend of Utah and the “Mormon” people. An excursion party of seven led by Rev. E. D. G. Prime, editor of the *New York Observer*, on a tour round the world, stopped over in Salt Lake City. On the 21st of August came the Congressional Committee on Retrenchment, with a number of invited guests. On the committee from the United States senate were Hon. James W. Potter of New Hampshire; Hon. Carl Schurz, of Mo.; Hon. Allen G. Thurman, of Ohio; from the house of representatives, three members; Senator J. S. Morill, of Vermont, was

also of the party. They attended service at the tabernacle on Sunday, and visited President Young at his office the following day. On the last day of the month another senatorial party arrived, Hon. Richards Yates, United States senator from Illinois; Hans W. Pitt Kellogg, and J. S. Harris, United States senators from Louisiana; also with the same party Colonel Cask E. Carr and Judge J. G. Wilson, both of Illinois. A few days later came United States Senator T. W. Lipton and wife, of Nebraska. Early in September the Quincy Excursion Party arrived, among whom were many who had friends and relatives in Salt Lake City; also ex-Lieutenant Governor of Illinois John Wood—1856-60—who was mayor of the city of Quincy at the time the Latter-day Saints were driven *en mass* from Missouri, and were kindly received by the mayor and citizens of Quincy, at which point the saints were entering Illinois. Throughout all their troubles up to their evacuation of Nauvoo and even afterwards, the saints found a consistent and strong friend in ex-Lieutenant Governor John Wood. The eccentric George Francis Train visited Salt Lake City in September, and delivered several characteristic lectures in the theater. He described the "Mormon" religion as the only one "ever established where the founder thereof had both a father and mother." A party arrived on the 29th of September *en route* for the orient which included Mr. Rangabe, the acting Greek minister, M. Louis Strauss, consul for Belgium to Japan, M. Emile Mountran, chancellor to the Belgian consulate, "with other gentlemen and ladies from all parts of the world," said the announcement of the *News* on the arrival of this party.

And so the notables of the earth continued to come to "Zion," even before the branch railroad between Ogden and Salt Lake City was constructed, and still more abundantly did they come in the year following when that road was put into commission; Salt Lake City was on the highway of the nation, and all the notables journeying east or west stopped

off to inquire concerning the things of which they had heard And so it continues to this day—1930—only much more abundantly than in former times.

#### THE NATION'S SECRETARY OF STATE IN UTAH

In the month of June came Hon. W. H. Seward, late secretary of state during both the Lincoln and Johnson administrations. His party was heartily greeted by a committee from the city council—the mayor being absent—and driven in carriages to the principal points of interest in the city and its suburbs. There were band serenades in front of the hotel at which the party was stopping—the Townsend House—and loud calls from the citizens who had assembled to hear speeches. Mr. Seward responded by brief remarks, but thought the circumstances under which he was traveling forbade him discussing public or political affairs. “They do not forbid me, however,” said the ex-secretary of state, “acknowledging the hospitality and kindness which have been shown me by my fellow citizens. That is all I can do, and I do it with a free, kind, and good heart. I thank you for the hospitality you have shown me since I came to your city. I thank you for your attendance tonight, and I pray God that the great marvel which I witness here may result in establishing a good civilization in the heart of the American continent; and be a sign, token, and assurance to mankind in every nation of the earth that it cannot fail, if it be prosecuted by industry and virtue, in advancing the welfare of the whole human race.”<sup>9</sup>

President Young was absent visiting the settlements in Cache valley on the arrival of Mr. Seward, but as that gentleman expressed a very great desire to meet the founder of Utah, Mr. Wm. Jennings, at whose house Mr. Seward was a guest at a dinner, proffered to have President Young in Salt Lake City within three days if the ex-secretary of state would stay so long, a proposition that was readily agreed

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9. *Deseret News* of June 30th, 1869.



to. Three days later the two illustrious gentlemen met "at a private dinner and a cozy interview," at the home of Mr. Jennings. "National affairs" rather than "Mormon problems," we are assured, "formed the topic of conversation," the interview lasting through several hours, ending with increased mutual admiration between the great American colonizer and the illustrious American statesman.<sup>10</sup>

#### VISIT OF A COMMERCIAL PARTY

Less than a month later came United States Senator Lyman Trumbull, of Illinois, and a large commercial party chiefly from Chicago. There were prominent representatives of the banks, the board of trade, and the different departments of the mercantile and manufacturing interests of Chicago. An interview was had with President Young at his office on the tenth of July, at which there were mutual felicitations and exchanges of courtesies. Colonel James H. Bowen, having in charge the party, acted as master of ceremonies. The purpose of the party, as explained by Colonel Bowen, was "to facilitate commercial relations with localities made tributary by the completion of the Union and Central Pacific Railroad;" and esteeming Utah territory to be one of the important points among such localities, they had stopped over to give greetings and congratulations to President Young and his people, on the completion of the railroad, and the release of his people from their long and profound isolation. They had been "deeply awed and grandly impressed" with the majesty of the scenery of the far-famed Echo and Weber canons, "and filled with wonder at the herculean task accomplished in the building of the railroad through and over such seemingly insurmountable obstacles of nature in so incredibly short space of time. "A considerable share of the credit and honor of this achievement properly belongs to you and your people," said Colonel Bowen in his formal address to President Young when introducing his party,— "who rendered

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10. See Tullidge's *Quarterly Magazine*, July, 1881, pp. 661-2.

hearty, efficient and timely aid to the company charged with the completion of this gigantic national highway, and we hope you will live long to enjoy the fruits of these beneficial labors." A hearty welcome was extended by President Young to the party, and fitting acknowledgment made of the compliments paid to the "Mormon" people.<sup>11</sup>

"It is a great advantage to our people," said the *Deseret News* in its editorial account of this party's visit, "to be seen at home by such a class of men as comprise this party. They are probably as free from prejudice as any men in the nation, and however much they may differ with us religiously, they can perceive that we are no common people, and that we possess qualities which entitle us to respect."<sup>12</sup> But alas! this same commercial party fell into the hands of the anti-"Mormons" in Salt Lake City, before leaving Utah, and were well surcharged with anti-"Mormon" virus as became abundantly evident from their reports of Utah conditions to the eastern press. Linn says this commercial party "was welcomed and affiliated with the Gentile element." Whitney declares that the party were "wined and dined" by the anti-"Mormon" element of the community at the residence of Joseph R. Walker, where they became imbued with strong anti-"Mormon" sentiments, which through their reports of conditions in Utah had much to do with the agitation of the "Mormon" question in the east that "determined President Grant upon the prosecution of a vigorous, not to say belligerent, policy towards Brigham Young and the "Mormons." Senator Trumbull, however, should be excepted from the

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11. *Deseret News*, weekly, of July 14th, 1869.

12. "We thank you for your congratulations," said President Young, "and duly appreciate the high estimate which you hold of our labors. It is true we are the Pioneers of this western civilization, and that we have to some extent assisted in the development of the resources of the great west. It is true that we have graded over 300 miles of the great Pacific railroad, an enterprise for which, by the way, we memorialized congress in 1852; but this is of the past. Our labors are before the world, they speak for themselves. Our aim is to press onward, diligently to perform the part allotted to us in the great drama of life, and, having ever in view the glory of God and our country, the rights of man and social independence, strive for the maintenance of those glorious principles which compose our federal constitution." (*Deseret News*, weekly, of July 14th, 1869, p. 270).

number of those affected by this anti-"Mormon" virus, as he remained friendly disposed towards the "Mormon" people, and voted against several anti-"Mormon" measures introduced into the senate of the United States, among them the Frelinghuysen bill. Tullidge gives almost a Bacchanalian coloring to this banquet:

"The two large rooms of Mr. Walker's residence were filled. Over forty persons were present. The munificent host had abundantly supplied his distinguished guests with champagne. Colfax and his friends, on their first visit to our city, fell upon strawberry beds, and discussed social problems with Brigham and the apostles over the dinner table, where the blessing was surely asked and 'peace' and the 'good spirit' invoked. But this meeting was belligerent. Champagns was better suited to its purposes than either strawberries or blessings. The spirit of war invoked rather than the 'Good spirit of peace.' There was, they say, that day, 'The fullest and freest expression that had ever occurred in Utah,' all of course with a strong decided anti-Mormon animus and related to the company that famous conversation between himself and aim. 'Everybody gave vent;' 'war talk ran around;' Senator Trumbull President Young, in which the latter had said in effect that, if the federal officers didn't behave themselves, he would have them ridden out of the city; and from this meeting the report of that conversation between Senator Trumbull and President Young ran throughout the United States; and gave to Vice President Colfax the advantage to push General Grant almost to the verge of actual war against Mormon Utah. Such was the bearing of that gathering held at the house of Mr. J. R. Walker, over Utah affairs, in July, 1869."<sup>13</sup>

Tullidge was *persona gratia* to the non-"Mormons" at that period, being connected with the Godbeite movement, and able to speak as by the card on the incident. One report to which the *Deseret News* took strong exception stated that Brigham Young told Senator Trumbull that he would probably hear of some federal officials being put out of the territory;<sup>14</sup> that Brigham Young had said that the "Mormons"

13. For all this see the following references: *Story of the Mormons*, p. 556 and note; *History of Utah*, vol. ii, pp. 324-5; Linn's *Story of the Mormons*, pp. 556, 570-1 and Tullidge's *History of Salt Lake City*, pp. 547-8; Tullidge's *History of Salt Lake City*, pp. 396-397.

14. The *Alta California*, published a purported interview of a sensational character between President Young and Senator Trumbull in which the former is quoted as saying: "If the government send bad men here we shall just politely conduct them on a little trip to the boundary line of the territory and bid them go, never to return." Trumbull is represented as advising that he consult President Grant before taking such decided steps. President Young had said something akin to the above in a discourse at the April conference previous. Referring to the bad class of federal officers that had

would not obey the law of congress prohibiting polygamy, "because congress had no right to interfere with that matter."<sup>15</sup>

The *Alta* version of the interview represents President Young as giving evasive answers to Senator Trumbull's direct question;<sup>16</sup> the Chicago press dispatch, however, more likely represents what President Young said, since it gives the reason for the answer—"congress had no right to interfere with that matter"—on the ground, of course, that it would be an act in violation of the constitutional provision forbidding congress to prohibit the free exercise of religion.

#### VISIT OF VICE PRESIDENT COLFAX TO SALT LAKE CITY

On the 3rd of October, 1869, Hon. Schuyler Colfax, now vice president of the United States, made his second visit to Salt Lake City. He was again accompanied by former Lieutenant Governor Bross, of Illinois, and Mr. Bowles of the *Springfield* (Mass.) *Republican*. The absence of Mr. Richardson, of the *New York Tribune*, who was with the party on its first visit, was expressly regretted by Mr. Colfax. The city council voted to tender the hospitality of the city to the distinguished visitors, and pursuant to that arrangement sent a committee of two of the council with carriages to Uintah Station to meet the party, while the mayor of the

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been sent to the territory he remarked: "I think hereafter that we will take such men up gently and carry them out of the territory and tell them not to come back again." But he also said in the very next sentence: "But we have gentlemen here as officers, men whom we respect and who respect us. But in some instances they have sent us thieves, liars, whoremongers, adulterers and swindlers. You may think this hard talk. I do not like to be under the necessity of using such language, but it is nevertheless true. Yet it is not often these things are mentioned. . . . Some may say that is coming out against the government. No it is not, it is against wicked administrators." (The discourse is published in *Deseret News* of June 9th, 1869).

15. Chicago press dispatch of July 12th, copied into *Deseret News* and accompanied by *News* editorial comment, weekly, impression of July 14th, 1869.

16. "Senator Trumbull—Mr. Young, may I say to the president that you intend to observe the laws under the Constitution?

Young—Well—yes—we intend to.

Senator Trumbull—But may I say to him that you will do so?

Young—Yes, yes; so far as the laws are just, certainly." (Linn's *Story of the Mormons*, p. 556 and note.) The reputed answers are very unlike President Young.



city, Hon. Daniel H. Wells, Hon. W. H. Hooper and others were appointed to act as a committee of reception on the arrival of the party at the Townsend House. These courtesies, however, were declined, ostensibly on the ground that "the party was traveling in a strictly private capacity;"<sup>17</sup> but really because Mr. Colfax had seen published in the eastern papers a purported discourse by Brigham Young in which he was represented as saying "that the president and vice president of the United States were both gamblers and drunkards."<sup>18</sup>

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17. *Deseret News* account of the arrival of the party, Oct. 6th, weekly; also Minutes of City Council Meeting of Oct. 1st. *Ibid*, p. 415.

18. Stenhouse assigns this as the reason for Colfax refusing the city's hospitality. (*Rocky Mountain Saints*, p. 638); so also Linn, (*Story of the Mormons*, p. 556). Referring to the subject in the course of his speech from the veranda of the Townsend House, the vice president said: "One thing I must allude to, personal to myself. The papers have published a discourse delivered last April by your highest ecclesiastical authority, which stated that the president and vice president of the United States were both gamblers and drunkards. (Voices in the crowd, 'He did not say so'). I had not heard before that it was denied; but I am glad to hear the denial now. Whether denied or not, however, I did not intend to answer railing with railing, nor personal attack with invective. I only wished to state publicly in this city, where the charge is said to have been made, that it was utterly untrue as to President Grant; and as to myself, that I never gambled to the value of a farthing, and have been a total abstinence man all the years of my manhood." (*The Mormon Question*, a discussion between John Taylor and Schuyler Colfax, *Deseret News* print, 1870, pp. 4, 5). This discourse was alleged to have been preached in April. The only discourse of President Young's delivered in April—or during the year—that in any way refers to the government or its officers is one preached on the 8th of April during the annual conference of 1869, and published in the *Deseret News* of June 9th. In that discourse, after pointing out the fact that the Lord must be the refuge of the saints, the president said: "What will the world do for us? What will our government do for us? Why, after settling this country for twenty years, they have at last deigned to extend to Utah the benefit of land laws,—preemption rights, homestead advantages. Whom have they sent here as our officers? As a general thing, such men as Drake and his associates. \* \* \* What would the government do for us? Judging from the past, if we were to ask them for bread, they would give us a stone, for a fish they would give us a serpent; ask for an egg and they would send us a scorpion. This has been too much the case. The government is just as good as ever existed; but the administrators of the government have in many instances, been the most contemptible men that ever disgraced God's footstool. Some may say this is coming out against the government. No, it is not, it is against wicked administrators."

There is no personal allusion whatever to either President Grant or Mr. Colfax in this, or as stated above, in any other discourse preached by Brigham Young during that year, but doubtless it was the language of the quotation above, and the language used in describing certain federal officials who had been sent to Utah—(see footnote 14 this chapter)—employed in this same discourse that was twisted and made to apply to the chief officers of the then federal administration.

The vice president, while in Salt Lake City delivered a very frank speech in which he discussed the issues then existing between the federal government and the Church of the Latter-day Saints. The vice president rather loftily set aside the premises of the question on the side of the saints, by saying: "I do not concede that the institution you have established here [meaning the 'Mormon' marriage system], and which is condemned by law, is a question of religion;" and with the premises of the opposition thus set aside he proceeded to admonish them to obedience to the law; at the same time, however, avowing that he had "no strictures to utter" as to the "creed" of the "Mormons" "*on any really religious question.*"

This contention was admirably answered by Elder John Taylor in his review of the vice president's speech, when he said:

"With all due reference, I do think that if Mr. Colfax had carefully examined our religious faith he would have arrived at other conclusions. In the absence of this I might ask, who constituted Mr. Colfax a judge of my religious faith? I think he has stated that '*The faith of every man is a matter between himself and God alone.*' Mr. Colfax has a perfect right to state and feel that he does not believe in the revelation on which my religious faith is based, nor in my faith at all; but has he the right to dictate my religious faith? I think not; he does not consider it religion, but it is nevertheless mine. If a revelation from God makes no difference; I know it is. The Jews did not believe in Jesus but Mr. Colfax and I do; their unbelief did not alter the revelation. Marriage has from time immemorial, among civilized nations, been considered a religious ordinance. It was so considered by the Jews. It is looked upon, by the Catholic clergy, as one of their sacraments. It is so treated by the Greek church. The ministers of the Episcopal church say, in their marriage formula, '*What God has joined together, let not man put asunder;*' and in some of the Protestant churches their members are disfellowshipped for marrying what are termed unbelievers. So I am in hopes, one of these times, should occasion require it, to call upon our friend, Mr. Colfax, to redeem his pledge. To defend for us our religious faith, with as much zeal as the right of every other denomination throughout the land."<sup>19</sup>

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19. *The Mormon Question*, Taylor-Colfax Discussion, p. 7.

## JOHN TAYLOR'S FURTHER ANSWER TO THE VICE PRESIDENT

The speech of Mr. Colfax brought forth an able answer from Elder John Taylor, of the council of the apostles, which appeared in the *New York Tribune* and was widely copied in the eastern press, and to which Mr. Colfax replied in a more formal article in the *New York Independent* of the 2nd of December, 1869. To this Elder Taylor made a rejoinder; and so satisfied were the church authorities with the soundness of the principles on which Elder Taylor based his argument, and the skill with which he conducted it, that the speech of Mr. Colfax and the several *pro et con* papers that grew out of it, were gathered up and published in pamphlet form, under the title, *The Mormon Question—The Taylor-Colfax Discussion*.

## MR. COLFAX AND RELATIONS WITH THE GODBEITES

Another item in connection with Mr. Colfax's second visit is of historic value. While he was in Salt Lake City the vice president was taken into the confidence of the Godbeite conspirators and informed of the intended "schism" in the "Mormon" church about to be inaugurated by the group of brilliant and supposedly influential men,<sup>20</sup> by the insidious and secret methods agreed upon by Godbe and Harrison during their sojourn together in the eastern states, the previous summer, and as agreed to by their confidants, Kelsey,

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20. That these men overestimated their influence in the "Mormon" community is apparent in this: Mr. Stenhouse in an interview with Mr. Colfax pleaded with him not to have the national administration interfere with Utah affairs since by doing so it would "drive thousands back into the arms of Brigham Young who are ready to rebel against the 'one man power,' represented, as they held, in the person of Brigham Young." (See Godbeite Movement Tullidge's *Quarterly Magazine*, pp. 55, 56). But when the "schism" came, some three weeks later, the "thousands" that were "ready to rebel" did not materialize; the "new movement" had no perceptible effect upon the masses of the people; the "leaders" of the "movement," were all there was to it, and these in a short time dropped all pretensions as "religious reformers," and soon "manifested a skeptical spirit toward religion of every kind, and directed their energies more completely into channels of business and money making." (Bancroft's *History of Utah*, p. 650). Yet these men were the protestants against Brigham Young's "materialism," and "church commercialism!"

Lawrence, Tullidge, Stenhouse and Sherman, on their return to Utah.

Mr. Colfax was doubtless gratified to find that there was so large a prospect of revolt against the authority of Brigham Young within the "Mormon" church; but it is equally certain that he would have been more pleased to have found those gentlemen who were promising the "schism," enlisted in a crusade inaugurated by the government than that they should occupy the position of a reform movement within the church. That Mr. Colfax contemplated a crusade by the federal government admits of no question. Riding with Mr. Stenhouse through the city during this second visit, and engaging in a confidential talk concerning "Mormon" affairs, the vice president put the pointed question to Mr. Stenhouse: *"Will Brigham Young fight?"*

It is to be inferred from the whole tenor of the Colfax-Stenhouse conversation, as reported by the latter to Mr. Edward W. Tullidge, that if Brigham Young would fight the Grant administration, a "short shift" might be made of the "Mormon" question, as a different outcome from the contest with Buchanan's administration might be expected.<sup>21</sup>

Undoubtedly Mr. Colfax felt chagrined that his suggestion made on the occasion of his first visit that a "revelation" be obtained prohibiting polygamy, had not been acted

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21. Mr. Stenhouse's reply to the sharp inquiry of the vice president was: "For God's sake, Mr. Colfax! Keep the United States off. If the government interferes and sends troops, you will spoil the opportunity, and drive the thousands back into the arms of Brigham Young, who are ready to rebel against the 'one man power.' Leave the Mormon elders alone to solve their own problems. We can do it; the government cannot. If you give us another 'Mormon War,' we shall heal up the breach, go back into full fellowship with the church and stand by the brethren. What else could we do? Our families, friends and life companions are all with the Mormon people. Mr. Colfax, take my word for it, the Mormons will fight the United States, if driven to it in defense of their faith, as conscientious religionists always have fought. The Mormons are naturally a loyal people. They only need to be broken off from the influence of Brigham Young. Depend upon it, Mr. Colfax, the government had better let us alone with this business, simply giving its protection to the 'new movement men.' " (Tullidge's *Quarterly Magazine*, Oct., 1880, pp. 55-6). This answer by Mr. Stenhouse discloses the subject matter of the conversation—a contemplated crusade by the federal government against the Latter-day Saints.



upon; and he was now determined that there should be a crusade which would break down the masterly influence of Brigham Young in Utah and compel obedience to the congressional bigamy laws; and to his influence in the early part of Grant's first administration was due, in large part, the bitter anti-"Mormon" crusade of that period, and the years immediately following. However, so far as Mr. Colfax was concerned his influence in the nation soon came to an end, not only as to the "Mormon" question but as to all other public questions—going down in the general maelstrom of public distrust and indignation against all those who were involved in the irregularities of the "Credit Mobilier of America" affair.<sup>22</sup>

THE COMING TO UTAH OF DR. J. P. NEWMAN—UNITED STATES  
SENATE CHAPLAIN

Among the prominent national characters who visited Utah in the summer of 1870 was the Rev. Dr. J. P. Newman of the Metropolitan Methodist church of Washington, D. C.—of which President Grant was a trustee and member. Dr. Newman was also chaplain of the United States senate. The recent efforts in congress to pass the Cullom bill, the purpose of which was to aid in making effective the anti-bigamy law of 1862, had aroused widespread discussion of the subject of polygamy in the press of the United States. Delegate Hooper's speech on the floor of the house of representatives, defending plural marriage as a religious institution of his constituents, having *Bible* sanction, as well as the sanction of the special revelation to their church; and, moreover, *Bible* warrant as the *Bible* was interpreted by very eminent *Bible* scholars, called forth much comment from the press of the country, and led Dr. Newman to feel that some answer to this Biblical argument should be made. Accordingly on the 25th of April he delivered an elaborate discourse

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22. See Note 1 and 2 end of chapter for brief statement of the "Credit Mobilier of America," and Mr. Colfax's relationship thereto.

at the Metropolitan Methodist Church on the subject of polygamy, in which he sought to maintain the Biblical condemnation of that form of marriage. Among those present were President and Mrs. Grant, Vice President Colfax, Chief Justice Chase, James G. Blaine, then speaker of the house of representatives, and numerous other high national officials. It was an occasion when Washington officialdom turned out to hear. The sermon *in extenso*, with a full description of official attendance, the psychological atmosphere, etc., was published in the *New York Herald* of 25th April. To this Washington sermon Elder Orson Pratt made an extended answer in a letter to Utah's delegate to congress, Mr. W. H. Hooper, which was published together with Dr. Newman's sermon in pamphlet form, issuing from the *Deseret News* press just upon the arrival of Dr. Newman in Salt Lake city.<sup>23</sup>

#### A PUBLIC DEBATE ON POLYGAMY PROPOSED

A local paper, the *Salt Lake Daily Telegraph*, on the 3rd of May, had suggested in its columns that Dr. Newman's Washington sermon "should have been delivered in the tabernacle in Salt Lake City, with ten thousand Mormons to listen to it and then Elder Orson Pratt, or some other prominent Mormon should have had a hearing on the other side and the people allowed to decide." "Let us have a fair contest of peaceful argument, and let the best side win," said the *Telegraph* writer. "We will publish their notices in the *Telegraph*," he continued, "report their discourses as far as possible, use every influence in our power, if any is needed, to secure them the biggest halls and crowded congregations, and we are satisfied that every opportunity will be given them to conduct a campaign. \* \* \* Come on and convert them (i. e. the Latter-day Saints) by the peaceful

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23. "Just Out: We now have for sale at this office in pamphlet form, a sermon by the Reverend Dr. Newman, pastor of the Metropolitan Methodist Church, Washington (D. C.), and a reply to the same by Elder Orson Pratt, Sen. Price twenty-five cents per copy." (*Deseret News*, daily, of Aug. 3rd, 1870).

influences of the *Bible*, instead of using the means now proposed [special, hostile legislation]. Convince them by reason and scriptural argument, and no Cullom bill will be required."

This suggestion of the *Telegraph*, by that time not a "Mormon" publication at all,<sup>24</sup> Dr. Newman in Washington was pleased to interpret as a challenge to him to visit Utah and debate the question of polygamy, "with Brigham Young." Whereupon, and without further inquiry or arrangement, but not without certain trumpetings through press dispatches of his intentions,<sup>25</sup> Dr. Newman started for Utah.

The day following his arrival in Salt Lake City, the Doctor addressed a letter to Brigham Young (dated Aug. 6th), informing the president of his arrival, and stating that he was now "ready to hold a public debate" with President Young, "as the head of the Mormon church," on the question, "*Does the Bible Sanction Polygamy.*" Naturally President Young having issued no challenge, and the *Telegraph* in no sense being his organ, or the organ of the Church of the Latter-day Saints, he disclaimed having issued a challenge, or being responsible for any issued by others; but extended to Dr. Newman an invitation to address the congregation in the tabernacle on Sunday—the above exchange of letters occurring on Saturday. This invitation was declined, as the Doctor claimed to have made other arrangements for speaking in the city on Sunday, viz., at Faust's Hall, where but very few, on account of the hall being a small and inconvenient place, had the opportunity of hearing the eminent minister.

#### EXCHANGE OF LETTERS: BRIGHAM YOUNG—DR. NEWMAN

An exchange of acrimonious letters took place over this proposed debate, in which Dr. Newman added nothing to his

24. *Deseret News*, weekly, of Aug. 10th, 1870, p. 317. The *Telegraph* had by that time passed into the hands of Dr. Fuller, a non-"Mormon."

25. See *Deseret News* of August 3rd, 1870, editorial in anticipation of Newman's coming, according to reports from the east.

reputation either in gentlemanly deportment, manifestation of Christian spirit, or skill in conducting a controversy.<sup>26</sup> President Young in one of his letters to the Doctor said:

"If you think you are capable of proving the doctrine of 'plurality of wives' unscriptural, tarry here as a missionary; we will furnish you the suitable place, the congregations, and plenty of our elders, any of whom will discuss with you on that or any other scriptural doctrine."

This the Doctor resented as an "impertinent suggestion," and regarded it as a "cheap and safe attempt to avoid" the debate Dr. Newman had come to Utah to hold with Brigham Young. To bring matters to a head Dr. Newman issued a direct challenge to President Young to personally debate with him the question, "Does the *Bible* Sanction Polygamy," and the president accepted the challenge, but named John Taylor or Orson Pratt as his representatives in the debate, Dr. Newman to take his choice between them. Dr. Newman was highly displeased with this arrangement and wrote a sharp letter to President Young, saying that he had challenged "Brigham Young" to debate, not John Taylor or Orson Pratt. However, since Brigham Young had refused to debate with him, the Doctor consented to meet Orson Pratt in public discussion of the proposed question. It seemed probable at one time when arranging the preliminaries that the debate would not take place owing to the inability of the conferrers to satisfactorily arrange the conditions of the debate. Whereupon President Young renewed his invitation to Dr. Newman, under date of Aug. 11th, in which, after noting what seemed to be the end of negotiations for the debate, the president said:

"I take pleasure in again tendering you the use of either of the tabernacles in this city in which to deliver one or more lectures, as you may choose, upon the subject of plurality of wives commonly termed 'polygamy,' each lecture to be of such length as you may please, to be delivered at such hours in the daytime as you may appoint."<sup>27</sup>

26. In justification of the comment I appeal to the correspondence itself, published in full in connection with the published *Debate*, pp. 1-8.

27. *Deseret News*, weekly, of August 24th, 1870.



"DOES THE BIBLE SANCTION POLYGAMY"—PRATT *vs.* NEWMAN

It was finally arranged, however, for a public debate to be held between Dr. Newman and Orson Pratt. The question to be: "Does the *Bible* Sanction Polygamy?" Elder Orson Pratt to take the affirmative of the question. It was arranged for the debate to continue through three days, two hours each day, the time being equally divided between the speakers,—one hour each. "The *Bible* in the original and English tongues" to be "the only standard of authority in the debate." The discussion occurred on the 12th, 13th and 14th of June. The attendance on the first day was between three and four thousand; the second day, much larger, and on the third day, Sunday, it was estimated that the attendance was eleven thousand.<sup>28</sup> A full report of the debate was given from day to day in the principal newspapers of Salt Lake City, and in the *Deseret News* current weekly impression,<sup>29</sup> so that the "Mormon" people throughout Utah were immediately presented with the evidence and argument that could be adduced from the *Bible* against the institution they had accepted in faith and practice.

Dr. Newman in his Washington sermon had made an effort to substitute a marginal rendering for the translation of the text of Leviticus xviii:18; so that whereas in the text it reads: "Neither shalt thou take a wife to her sister, to vex her," etc., it would be made to read—from the marginal rendering—"Neither shalt thou take one wife to another to vex her," etc. Accepting this marginal rendering Dr. Newman had in this passage the law of the *Bible* he could find nowhere else—"Neither shalt thou take one wife to another." Elder Pratt having observed the stress, that Dr. Newman laid upon this marginal rendering, hoped that he would introduce it in the debate in the tabernacle. Accordingly, he himself, to encourage the doctor and to give him confidence, made reference to an unimportant marginal passage which had the

28. *Deseret News* editorial account, impression, daily, June 15th.

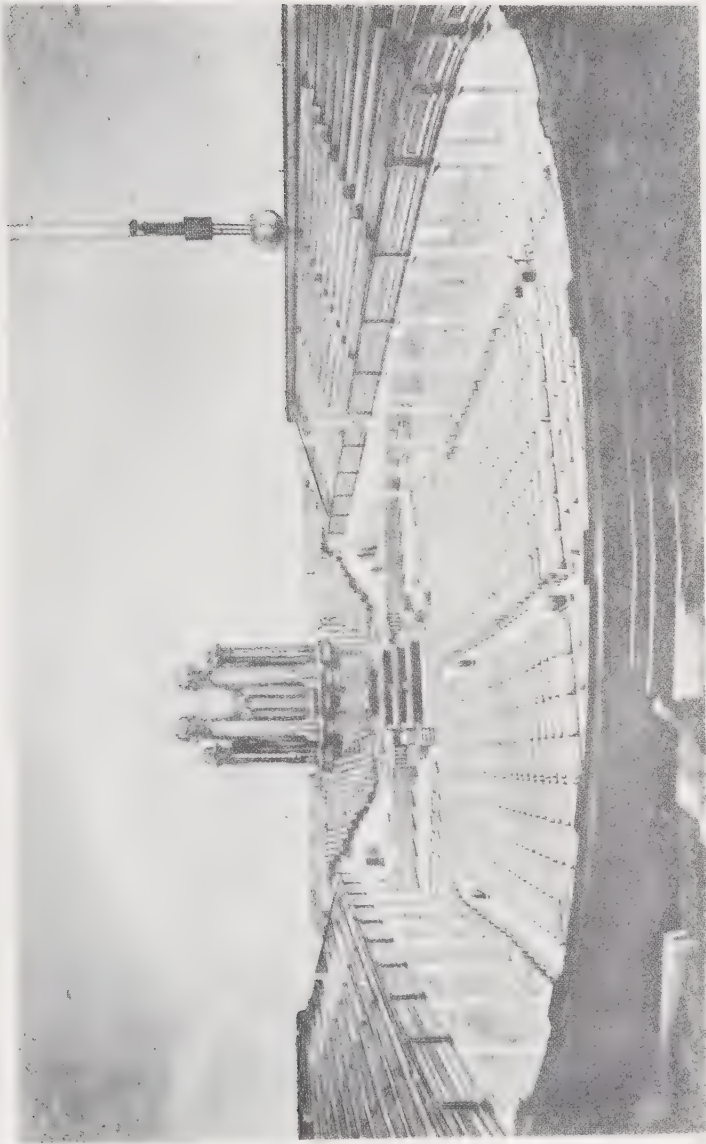
29. See *Deseret News*, weekly, of Aug. 17th, 1870.

desired effect. The Doctor armed with the opinion of some modern Biblical scholars assumed the marginal rendering as expressing "the great constitutional law, before which all other laws relating to plural marriage were to be nullified and vanish away like smoke;" but Elder Pratt took up the Hebrew phrase, "*ishah et ahotah*," which in the text of the authorized version is translated "*a wife to her sister*," and maintained it as the proper, legitimate, literal rendering of each word, much to the surprise of Dr. Newman who was not aware that his "Mormon" opponent was acquainted with the Hebrew. With the collapsing of his great marginal law the rest of the Doctor's arguments fell with it.<sup>30</sup>

#### QUESTION ON TIME LIMITS OF THE DEBATE

Dr. Newman preferred that the debate be so conducted that the affirmative would occupy the whole time in one day's meeting, and the negative the next day's time, and so continue to the close of the debate. Elder Pratt preferred that the speakers occupy part of each day's meeting in half hour speeches, two speeches on each side a day, the debate "to be continued as long as desired by Dr. Newman." A one hour speech for each side per day was the compromise. The matter of Elder Pratt being willing to have the discussion continued as long as desired by Dr. Newman is mentioned here because the Doctor has said in discussing the preliminaries that he would like "nine hours to bring forth his arguments." Yet it was Dr. Newman that limited the discussion to three days and two hours to each session of the debate. Elder Pratt was willing for the debate to "continue as long as desired by Dr. Newman;" and in his second speech in the debate referred to the matter of time, saying: "Dr. Newman has said he would like nine hours to bring forth his arguments, and his reasoning for the benefit of the poor people of Utah. I wish he would not only take nine hours, but nine weeks

30. See the Debate, and also article on Dr. Newman's Marginal Law, by Orson Pratt, published in connection with the *Pratt-Newman Debate*, pp. 68-71.



INTERIOR OF THE LATTER-DAY SAINT  
TABERNACLE

Showing the great organ in the west end of the  
building. Seating capacity 8000





and nine months, and be indeed a philanthropist and missionary in our midst." But notwithstanding all this in his closing speech of the debate, Dr. Newman sought to create the impression that he had been limited in time by his opponent. He said: "I regret very much that I have not time to notice all the points which have been brought forward. *I desired to do so. I pleaded for more time: but time was denied us, I am therefore restricted to one hour.*" This lapse of the Doctor in the matter of truth was rebuked by the *Deseret News*, editorially the day following the debate, where the above facts are set forth.<sup>31</sup>

#### THE DEBATERS RESPECTIVELY

There can be no question that the weight of evidence and the force of argument in the debate was on the side of the affirmative, while in flourish of rhetoric and in eloquence of appeal to sentiment Dr. Newman doubtless excelled his opponent. To this flourish and to this appeal Elder Pratt paid but little attention; he adhered strictly to the task before him, namely, to prove that the *Bible* sanctioned polygamy. As to whether plurality of wives conformed best to modern ideas of the purpose of matrimony or not, that was beside the present issue; whether it was the most convenient and the most desirable system of marriage for all classes and conditions of men in modern times, was not the question. The plain, simple question for discussion was, "Does the *Bible* Sanction Polygamy?" and if the giving of laws by Jehovah, which under some circumstances and conditions enforced a plurality of wives upon God's people as a rule of conduct is a *Bible* truth—and it is; if divine legislation conserving the rights of both polygamous wives and their offspring can be cited from the *Bible*—and it can be; if blessing these unions and making them fruitful in direct answer to prayer is a *Bible* fact—and it is; if honoring with his favor and fellowship

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31. *Deseret News* of Aug. 24th, 1870; also the published *Debate*, p. 58; and the *Deseret News*, daily, of the 17th of Aug., 1870.

the offspring of polygamous unions finds *Bible* illustration—and it does; if owning and blessing as the special favorites and servants of Jehovah the men who practiced this system of marriage is the *Bible*-represented attitude of Jehovah towards these polygamists,—and it is; then, all this being true, there can be no question that the *Bible* sanctions this form of marriage.<sup>32</sup>

#### THE REASON FOR THE PRACTICE OF PLURAL MARRIAGE AMONG THE LATTER-DAY SAINTS

And yet it was not because the *Bible* sanctioned polygamy that it was accepted as matter of faith and practice by the Latter-day Saints. On the contrary, it became a principle of faith and practice with them because God had revealed it to them through their Prophet as a true and righteous principle in itself, and permissible within certain limitations and conditions, and for specific purposes. The Latter-day Saints' appeal to the *Bible* for its sanction was merely for corroboration of the righteousness of the principle revealed to them in the New Dispensation of things God was unfolding to the world, and this they found. As confirming the truth and righteousness of the revelation they had received, the *Bible* was strong in its sanctions, and they could be assured that what God had sanctioned by so many and varied circumstances bespeaking his favor—noted above and expounded at length in the learned works cited,—could not be other than true and righteous.

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32. See the speech of Delegate Hooper in congress, the Newman Washington sermon with answer of Elder Orson Pratt; the *Pratt-Newman Debate*; and more especially *Thelyphthora*, vol. i, ch. iv, pp. 74 to 300. My citation is to the second edition, 1781, and the part of the work referred to deals more especially with the subject of "Polygamy," the author saying this in defense of the title of his chapter: "Polygamy strictly speaking is of two sorts; either when one woman promiscuously admits of more husbands than one, or when one man is at the same time joined in marriage to more than one woman. The former of these is too abhorrent from nature, reason, and scripture to admit of a single argument in its favor, or ever to deserve a moment's consideration. The author therefore, by the word '*polygamy*,' only means the latter, throughout this treatise." (*Thelyphthora*, vol. i, p. 75, note). It is in this sense also that the word is used in this *History*. More recent writers, I may say, have added nothing in the way of scholarship or thoroughness of treatment to Maden's argument for *Bible* sanction of polygamy, in the foregoing work.

As for polygamy being at variance with the modern conceptions of the purpose of the wedded state, a menace to the sanctity of the home and the convenience and pleasures of life, elements of the question introduced by Dr. Newman that were foreign to the issue in his debate with Elder Pratt, they constitute another question.

#### AN ACADEMIC DISCUSSION OF THE PLURAL FEATURE OF THE SYSTEM

Latter-day Saints did not accept into their faith and practice the plural wife system idea that it would increase the comfort, or added to the ease of any one. From the first it was known that it would involve sacrifice, to make a large demand upon the faith, patience, hope, and charity of all who should attempt to carry out its requirements. Its introduction was not a call to ease or pleasure, but to religious duty; it was not an invitation to self-indulgence, but to self-conquest; its purpose was not earth-happiness, but earth-life discipline, undertaken in the interest of special advantages for succeeding generations of men. That purpose was to give to succeeding generations a superior fatherhood and motherhood, by enlarging the opportunities of men of high character, moral integrity, and spiritual development to become in larger measure the progenitors of the race. To give to women of like character and development a special opportunity to consecrate themselves to the high mission of motherhood. The new and everlasting covenant of marriage, was instituted for the fullness of God's glory.<sup>33</sup> Under it "if any man espouse a virgin," to quote the law, "and desire to espouse another, and the first give her consent; and if he espouses the second, and they are virgins, and have vowed to no other man, then is he justified; he cannot commit adultery, for they are given unto him [i. e. under the law of God and by the authority of God's priesthood]; *for they are given unto him to multiply and replenish the earth,*" according to God's commandment, and to fulfill the promise which was given

33. Revelation on Marriage, *Doctrine and Covenants*, sec. cxxxii:6.

by the Father, "before the foundation of the world, *and for their exaltation in the eternal worlds, that they may bear the souls of men*; for herein," said Jesus, through whom the revelation was given, "is the work of my Father continued, that he may be glorified."<sup>34</sup> There is nothing here or elsewhere in the revelation promising ease or happiness or pleasure; there is nothing but an exalted motive presented for this marriage system,—the bearing of the souls of men, "replenishing the earth" with the race of men. Procreation of the race is the first and high purpose of the marriage institution, all else incidental; and procreation under conditions the most favorable to the welfare of the offspring, and hence to the race; first in giving in larger measure progenitors of high character—men who have given evidence of upright, temperate, virtuous lives; women, chaste, noble, and willing to consecrate their lives to the duty of motherhood, to this end sacrificing earthly pleasure, including the exclusive companionship of the husband promised in monogamous marriages. As some women against the promptings of natural inclinations of the social instincts, of the cravings for wedlock companionship, and the desire for offspring, will renounce the world and the noble office of motherhood itself, and retire into dismal retreats and spend their lives in prayer and meditation, only emerging into the world to render service of teaching the youth, visiting the needy, or nursing the sick; so plural wives among the Latter-day Saints, and first wives who consented to their husbands entering into these relations, accepted the institution from the highest moral and religious motives.<sup>35</sup> First as being a commandment of God

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34. Revelation on Marriage, *Ibid*, verses 61-63.

35. On this phrase of the subject, the Right Reverend D. S. Tuttle, D. D., LL. D., formerly bishop of Montana, Idaho and Utah; and for seventeen years a resident of Utah and therefore in personal contact with "Mormonism," and now, 1917, bishop of Missouri—had an enlightening passage. He says in a chapter on "Mormonism:"

"I pause to remark that if some strength accrues to Mormonism from its adjustment to the nature of man, some unsuspected strength also is won to it by its appeal to the nature of woman. The self-sacrifice in woman, the appeal is made to that. One knows not much of human life if he is ignorant that one of the dominating characteristics of woman is the power of self-sacrifice. If self-sacrifice in woman is con-



instituted "for their exaltation in the eternal worlds, that they may bear the souls of men;" and, second, that they might bear the souls of men under conditions that gave largest promise of improving the race and bringing forth the supermen who shall lead the way to that higher state of things for which the world is waiting; and which the first condition precedent to obtaining, is a consecrated fatherhood and motherhood, such as was contemplated in the plural marriage system of the Latter-day Saints. The first consideration in this marriage system was not exclusive companionship, pleasure, ease, temporal happiness; but offspring and their physical, moral, spiritual and intellectual welfare, in a word—race culture. This required self-discipline, always involving sacrifice of self, and living constantly in the truest and highest altruistic spirit. It was in the name of a divinely ordered species of eugenics<sup>36</sup> that the Latter-day Saints accepted the revelation which included a plurality of wives.

It was not to gratify the sex-lust of man that polygamy was instituted; nor to provide a better system of sex-relations than monogamous marriage with promiscuous sex indulgence tacitly allowed (i. e. prostitution). It is not enough to say that a plurality of wives is a better system, has more of justice in it, than monogamous marriage supplemented by a plurality of mistresses, or one wife and promiscuous indulgence by prostitution; for the efficient answer to all that will be found in the ready reply to the question, "Why have

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tinually in evidence in mothers, in wives of worthless husbands, in sisters, in religious communities, and in women giving up all in devotion to love, or duty, or religion, who wonders that the appeal to it, as in the matter of polygamy, strange as it seems, must be accounted an element of strength to Mormonism. As matter of fact, there were no more strenuous and determined upholders of polygamy than most of the Mormon women who were personally sufferers by it. *To their nature it was calamity and hateful. To their spirit it was religious duty and a call for self-sacrifice. Therefore they were loyal to it, determined to live in it, and if need be, to die for it. Spirit, roused and active, evermore predominates over nature.*" (*Reminiscences of a Missionary Bishop*, 1906, second edition, pp. 307-8). Bishop Tuttle died April 17, 1923.

36. "Eugenics, the science of generative or procreative development, the doctrine of progressive development of the human race through improved conditions in the relations of the sexes; and "now recognized as a necessary development of the method into which Darwin has cast the thought of the age." (*See Century Dictionary*).

either?" Why not have monogamy, and insist upon strict continence within that relationship as the best adjustment of the sex-relations? Neither kept mistresses nor prostitution are a necessary addenda to monogamy,—“the necessary evil” of some sociological writers. Unless polygamy as taught under the New Dispensation of the gospel, and accepted by the Latter-day Saints, can be held as a better system, or at least as presenting advantages for the race, under possible, special conditions, over and above those possessed by monogamy at its best, and without reference to those abhorrent sex relations, which, while they often do exist in connection with monogamy, are not a necessary corollary of it, then “Mormon” polygamy has no right to existence.

This superiority over monogamy at its best, or as at least affording advantages to the race not possible under universally enforced monogamy, can only be affirmed in the name of the species of the divinely appointed eugenics of the revelation on marriage referred to, by which a consecrated fatherhood and motherhood is provided for the race. To put the defense of Latter-day Saint polygamy on a less exalted plane than this—which is the plane where God’s revelation puts it—is to debase the institution and make it indefensible at the bar of enlightened reason, or before moral and religious standards.

While this view sets forth procreation as the first purpose of marriage, it by no means ignores other purposes, namely, companionship, though it may place it upon a different basis from the companionship of monogamous marriage. On the part of the man it will not be exclusive; and for the wife it will not be uninterrupted. But for the man it will be a companionship more disciplinary than is possible in monogamy; and for woman a companionship of greater dignity, calling forth in the management of her household in larger measure and use the exercise of executive abilities, self-reliance, and self-control, leading to control over others

in the domestic circle, that gives a queenly dignity to such a matron; and for both lifts the association of husband and wife out of the uxorious sentimentality that too often in monogamy renders that association half or wholly contemptible.

Here it must be allowed that the plural wife system offers more likelihood of the attainment of such ideal and dignified companionship, and makes more probable the attainment of such ideal and dignified companionship, and makes more probable the consecration of woman to the holy office of motherhood than monogamy does, because of the radical difference in the natures of man and woman as touching these matters. A difference that it was reserved for a woman of the church, and one who had accepted in full its marriage system, to put into the most acceptable phraseology:

“The duties and requirements of a woman, fulfilling her sphere of motherhood, absolutely demand certain periods of continence, which if not granted her through thoughtful solicitude for her welfare by her husband, or self-assumed, by virtue of the dignity of womanhood, or by the divine right of free agency, the principle of her life and health is encroached upon, and she is forced to perform her ever-increasing labors and duties upon a decreasing store of vitality. There is nothing in the economy or requirements of man’s life which requires this abstinence beyond the temperate limit of his powers of vitality; and this to me is a proof unanswerable and *prima facie* on the spheres of manhood and womanhood, of the divinity, and I believe is a necessity, for the salvation of the human race, of the truth and divinity of plural marriage.”<sup>37</sup>

It has already been stated in these pages<sup>38</sup> that the Church of the Latter-day Saints has never stood as the advocate of indiscriminate or general practice of a plural wife system of marriage under mere human or legal sanctions; but on the contrary has held to a limited and specifically guarded practice under what they have held to be divine sanctions, restraints, and regulations. It was indeed a principle of religion to the Latter-day Saints, a holy sacrament; and with such restraints as the church imposed, and limited as a religious

37. Romania B. Penrose, in a lecture before the Female Relief Society in Salt Lake City, excerpts of which were published in the *Woman’s Exponent*, 1881, copied into *Deseret News*, weekly, of July 6th, 1881.

38. Chapter xlv, note 6.

privilege and duty to persons of high character and approved lives, and living under the most sacred obligations to chastity—it doubtless would have resulted in accomplishing that which was designed by its introduction into the faith and practice of the church, *viz.*, to enlarge the opportunity of superior men and women to devote themselves to the establishment of a consecrated fatherhood and motherhood within the church, although to accomplish it, those participating in the system would doubtless have to sacrifice many worldly advantages, personal ease, and temporal pleasures—yet it would have afforded the opportunity of producing from that consecrated fatherhood and motherhood the improved type of man the world needs to reveal the highest possibilities of the race, that the day of the super-man might come, and with him might come also the redemption and betterment of the race.

Of course it will be understood that the foregoing statements and arguments are but an academic setting forth of the plural marriage system of the church, and are not intended in any sense as propaganda of it. The congress of the United States passed laws against polygamy as practiced by the church, while Utah was a territory, and the supreme court of the United States having passed upon and upheld the constitutionality of those laws, the church after contesting in the courts by constitutional means every phase of the law, until all the law points were settled, then yielded to the law and by official manifesto discontinued the practice of polygamous marriages (Oct., 1890). This for the reason that one of the articles of the "Mormon" faith declares:

*"We believe in being subject to kings, presidents, rulers, and magistrates, in obeying, honoring and sustaining the law."*

Therefore, plural marriages were discontinued by the act of the church, while Utah was still a territory, and the responsibility for the discontinuance is with those who enacted and sustained the law against that principle of the faith of



the Latter-day Saints. A constitutional provision forever prohibiting "polygamous or plural marriages" was required as a condition precedent to statehood for Utah, and was adopted by the state constitutional convention. So that polygamous marriages are forbidden in Utah by the law of the state, and are inhibited by the church everywhere. No plural marriages now [1930] receive her sanction. For the Official Declaration of President Wilford Woodruff discontinuing plural marriages see *Doctrine and Covenants*, following Section cxxxvi, edition of 1922, and all subsequent editions.

## NOTES

## 1. THE CREDIT MOBILIER OF AMERICA

"During the political campaign of 1872, great excitement followed the exposure of the so-called Credit Mobilier speculations. In the construction of the Union Pacific railroad it was found expedient to organize a corporation of contractors to do the work. Large profits were expected from the operations of the company, which was named 'The Credit Mobilier of America.' During the years 1867 and 1868, the chief promoter of this enterprise, Mr. Oakes Ames, a rich manufacturer and a representative in congress from Massachusetts, sold many shares of the stock to members of congress. As the fortunes of the company might be affected by the action of congress (although this was denied), the holding of stock by men whose votes might determine this action was naturally regarded as improper, to say the least. The fact that Ames did not demand cash payments for the stock so disposed of, but allowed the payments to be deferred until the earnings of the company should bring generous dividends to the shareholders, was cited as evidence that this was practically a gift of stock to each man who received it on those conditions. The publication of the facts, which were [said to be] vastly exaggerated and overcolored, added zest to the [presidential] canvass of 1872; and when the house of representatives in the following year took up the matter and ordered an investigation, the volume of political gossip was greatly increased. Letters and other documents were produced, and a popular saying which long survived was extracted from the proceedings. Ames had declared that in the distribution of Credit Mobilier stock he had placed it 'Where it would do the most good.' The house committee, after a long and patient examination, exculpated all the men who had been involved in the charges of corruption, but recommended that the stigma of 'absolute condemnation' be fixed upon James Brooks, of New York, a member of the house and a government director of the Union Pacific railroad, and upon Oakes Ames; the former was thus censured for 'the use of his position to procure the assignment of Credit Mobilier stock;' and Ames' offense was

declared to be that of 'seeking to procure congressional attention to the affairs' of his corporation.

The investigation blighted many reputations of men who had before that time stood high in public esteem. While the inquiry was in progress, popular interest was kept on the alert to see which of the prominent men in congress would next fall before the deadly influence of the famous 'little memorandum book' from which Mr. Ames refreshed his memory while under examination. The very name of his corporation became a byword and a hissing; and it sufficed to ruin any public man's fair fame to say truly of him that he was 'a Credit Mobilier statesman.' On the other hand, the divulging of facts which showed the enormous profits of this peculiar enterprise greatly whetted the popular appetite for speculation and to a considerable extent demoralized the people."<sup>40</sup>

## 2. SCHUYLER COLFAX'S DECLINE IN POPULARITY AND HIS CONNECTION WITH CREDIT MOBILIER OF AMERICA

Schuyler Colfax was born March 23rd, 1823; and was the grandson of the last commander of Washington's life guard. He was elected in November, 1868, vice president of the United States. "In 1870 Mr. Colfax wrote a letter declaring his purpose to withdraw from public life at the close of his term as vice president. He was subsequently led to change this determination, and in the Republican national convention at Philadelphia in 1872, he was a candidate for the nomination as vice president and received 314½ votes; 384½ votes being given to Henry Wilson of Massachusetts, the latter was accordingly nominated on the first ballot."<sup>41</sup>

About the first of September, during the presidential campaign, charges of bribery and corruption in connection with the Union and Pacific Railroad, and its construction company, the "Credit Mobilier of America," were cast into the arena; and Mr. Colfax, being urged thereto by his many friends, made a speech at South Bend, Indiana, his home city, defending himself and others against these charges. Of this speech even his biographer, Mr. O. J. Hollister, a relative of the vice president's by marriage, (he was married to Mr. Colfax's half-sister), and the United States revenue collector for Utah, says: "In the light of subsequent events this speech was charged against the vice president as intentionally misleading, because it purported to make a personal explanation, and it did not make it a full one. By making it seem as if the personal explanation was the first instead of the merest incident of the speech, some color was given to the charge."<sup>42</sup>

Even his friend Samuel W. Bowles, editor of the *Springfield* (Mass.) *Republican* and companion to Mr. Colfax in both of his visits to Utah, bitterly denounced Colfax for this speech.<sup>43</sup>

40. *History of United States*, Bryant-Gay-Brooks, vol. v, pp. 436-7.

41. *The American Cyclopaedia*, vol. v, Art Colfax.

42. *Life of Colfax*, Hollister, pp. 384-5.

43. *Ibid.*

In 1873 Mr. Colfax was implicated in the charges of corruption brought against members of congress who had received shares of the "Credit Mobilier of America," and was repeatedly examined before the congressional committee appointed to investigate the matter. A resolution directing the judiciary committee of the house of representatives to inquire if the evidence taken by the committee called for the impeachment of any officer of the government, brought forth the report, on Feb. 26, 1873, declaring that there was no ground for the impeachment of Mr. Colfax, inasmuch as the alleged offense of bribe taking, if committed at all, *had been committed before he became vice president*. This report was accepted, and nothing more done with the matter.<sup>44</sup>

And there the matter rests so far as the congressional investigation is concerned.

It should be said, however, that the "resolution for impeachment" proceedings failed by the narrow margin of three votes; as the *Washington Morning Post* puts it—"a resolution for the impeachment of the bribed and perjured Colfax failed by a majority of three votes."<sup>45</sup>

The most incriminating circumstance against Mr. Colfax is thus stated by the *New York Tribune*: "The astounding developments in the Credit Mobilier investigation, make it necessary for the vice president to show, if he can, that he has not sworn falsely. The circumstances are these: Mr. Colfax denied that he had received a certain specific dividend of \$1,200 on Credit Mobilier stock. Mr. Ames swore positively that he gave the vice president a check on the house sergeant at arms for that amount. The check, dated June 20, 1868, is produced; it was paid June 21. Mr. Colfax's bank account is examined and it is found that on June 22, 1868, he deposited the precise amount of \$1,200 in bank notes; and, as if to emphasize the fact of the deposit, the whole amount of it was specified to be \$1,968.63, of which all but \$1,200 was in checks. The fatal sum stands by itself.

We have not the heart to comment at length on this apparently utter and deplorable fall. We hope, for the sake of the pure name which Mr. Colfax has so long borne before the country—for the sake of the country itself we hope—that he may yet be able to break down this damning wall of circumstantial evidence which has slowly encircled him. The only way of escape is to prove that the \$1,200 deposited on June 22, was received from some other source than the agent of the Credit Mobilier association."<sup>46</sup>

Colfax "professes virtuous indignation at the statement of Ames," said the *New York Herald* correspondent, under date of 23rd of January, 1873, "and pronounces them 'infamous.' But it is known that tomorrow a respectable cashier in the office of the sergeant-at-arms,

44. *The American Cyclopaedia of Biography*, vol. v, Art Colfax, p. 54.

45. The *Post* article is copied into *Millennial Star*, vol. xxxv, pp. 219-21. See also *Congressional Record* 26th and 27th of February, 1873, for report respecting impeachment.

46. The *Tribune* article is quoted in *Millennial Star*, vol. xxxv, pp. 117-18.

Moses Dillon is his name—will swear that he paid the check made payable to Schuyler Colfax."<sup>47</sup>

Then came the climax: "Mr. Ames deposed before the committee that he had paid to Mr. Colfax on a certain day \$1,200 as dividends on Credit Mobilier stock held by Mr. Colfax; that unhappy gentleman replied under oath that he had never held a share of the stock, nor received a penny from Ames; and then was struck dumb by the production by the latter of an 'account book,' in which the payment was duly set down, and by evidence that on the day after the payment Mr. Colfax had deposited at his bankers the identical sum in question. It required several days for Mr. Colfax to invent his reply to this unexpected proof of his guilt; but at length he came forward with the lame story that by a remarkable and most unfortunate coincidence he had on the day named received from a person now dead, in an unregistered letter now destroyed, a present of \$1,000, and that the remainder of the \$1,200 he had received on the same day from his stepfather."<sup>48</sup>

"*He is dead,*" said the *Albany Times* of the period, "and on his tombstone should be inscribed—'*Died of too much Credit Mobilier.*'"<sup>49</sup>

It is but just to Mr. Colfax to say that he denied the truth of the charges made against him, and his intimate friends have always regarded his character as irreproachable.

On the other hand, his opponents during the winter of 1873—and some followed him with it to the close of his life—vehemently assailed him with these charges of corruption, and it cannot be denied but that they cast a shadow over the latter part of Mr. Colfax's life.

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47. The *Herald* article is reproduced in *Millennial Star*, vol. xxxv, pp. 117-8.

48. *Morning Post*, reproduced in *Millennial Star*, vol. xxxv, p. 220.

49. The *Times* article is copied into the *Millennial Star*, vol. xxxv, p. 119.



## CHAPTER CXXXVI

THE GODBEITE INFLUENCE WITH THE NATIONAL ADMINISTRATION  
—THE CULLOM BILL—THE GRANT APPOINTEES—JUDGE MCKEAN  
AND GOVERNOR SHAFFER

WHILE the Godbeite revolt, dealt with in chapter cxxxiv, cut a ridiculous figure as a religious movement, it does challenge some respect as a factor in the current political events of 1870. That year saw the birth of the "Liberal" or anti-church political party; and its origin was due to the Godbeite revolt.

### MUNICIPAL ELECTION OF 1870

The municipal election for Salt Lake City officers would take place in mid-February of that year, and as the coterie of newly apostate "Mormons" were supposed to be men of considerable influence among the Latter-day Saints, and, moreover, were already in possession of a weekly periodical, the *Utah Magazine*, it was thought that by a union with the Gentile citizens at least a respectable showing could be made at the polls, and the entering political wedge be inserted that would finally destroy the alleged political solidarity of the church. "The Gentiles," says the historian of the movement,—Tullidge—"with political sagacity, kept in the background, merely playing the part of advisers, helpers and voters."

### THE FOUNDING OF SALT LAKE PERIODICALS

In the furtherance of this plan the *Utah Magazine*, hitherto the organ of the "new movement," was transformed into the *Mormon Tribune*, and became an anti-church paper. The *Mormon Tribune* "ran off its first copy on the night of January 1st, 1870, which date it bore. Its original editors were E. L. T. Harrison and Edward Tullidge, with Eli B. Kelsey, business manager. William S. Godbe was its financial guardian. William H. Sherman soon afterwards became

business manager and associate editor, and Kelsey and Tullidge retired."<sup>1</sup> A little more than a year after its initial number came from the press, the *Mormon Tribune* passed into other hands, was changed from a weekly to a daily, dropped the prefix "Mormon" from its title, and became a secular newspaper with strong anti-"Mormon" proclivities.<sup>2</sup> About the same time the *Salt Lake Herald* was brought into existence under the following circumstances, according to Mr. Tullidge:

"The *Daily Herald* was [first] issued on June 5th, 1870. Its size was four pages, 14 x 20, in five columns. E. L. Sloan may editorially be considered the founder; Mr. William C. Dunbar was its business manager, and in this respect he was a joint founder, both of these gentlemen going into the enterprise together. The times were propitious for its start, for the *Salt Lake Daily Telegraph* had just been discontinued, leaving the field open for a new paper. During the latter part of its career, Sloan was the editor and Dunbar the business manager of the *Telegraph*. Notwithstanding the *Telegraph* had been moved to Ogden by [church] counsel, these gentlemen sagaciously saw that a secular newspaper, conservative of the Mormon citizens' rights as well as supportive of the just claims of the Gentiles, who had now become an influential factor in Utah mixed society, was needed most in Salt Lake City. This was the basic idea of Edward Sloan as a journalist. But there was also another view that made this paper a necessity. The *Tribune* [as stated above] had started and it was an anti-church paper. The *Herald* had, therefore, the chance of a more purely journalistic mission before it, and those who six months before might have discounted its starting saw the then present need of the times and the surroundings; thus the *Herald* started with a decidedly winning advantage."<sup>3</sup>

The *Herald* continued true to its mission throughout the territorial period of Utah; and after statehood was obtained it continued as an independent Democratic paper until absorbed by the *Intermountain Republican*, which became as a consequence of the absorption the *Herald-Republican*; and this finally to be absorbed by the present Republican *Salt Lake Daily Tribune*, its name obliterated, and its Democratic party voice silenced. Thus ended the career of a brave and

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1. Tullidge's *History of Salt Lake City*, appendix, p. 9.

2. See Note end of chapter cxxxix.

3. *History of Salt Lake City*, Tullidge, appendix, p. 9.

brilliant advocate of the rights of the people, and all Democratic principles of government.<sup>4</sup>

In the municipal election of 1870 the Liberal party cut but a sorry figure. Henry W. Lawrence was the candidate for mayor and there was a full aldermanic ticket nominated, but the party polled only an average of about three hundred votes, to an average vote of about two thousand for the ticket they opposed.<sup>5</sup> One incident to be deeply regretted was the capture of a Liberal party meeting, by their opponents. On the 9th of February at the Masonic Hall representatives of the Liberal party met in caucus, effected an organization, appointed a central committee to serve one year, nominated a ticket for the city offices, appointed a mass meeting for the following night, February 10th, to ratify what had been done, and to exchange views on the questions before the people. Placards addressed to the people were posted in all parts of the city, giving information as to the purpose of the meeting—"the nomination of a people's free and independent ticket for mayor," etc., and closing with the often used "*come one, come all*" of such placards, and signed "*Many Citizens.*" The *Deseret News*, of the 10th of February, called attention to these placards, and perverted the intent of them; and advised that since the object of the meeting was "one of general interest to all classes of our citizens, we hope," said the *News*, "there will be a crowded attendance. We want to see a good ticket nominated for city officers, and the occasion is one in which every citizen should be interested."<sup>6</sup> On this hint some of the "citizens" acted, and the pity of it is that some of them were prominent men in civil and ecclesiastical life of the community. They forcibly took possession of the meeting over the protest of Mr.

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4. Mr. Byron Groo, a Utah born and educated young man of "Mormon" parentage, son of Isaac Groo. Though not himself a member of the Latter-day Saints Church, but a man of fine character, Mr. Groo was its editor in chief through many years of the *Herald's* existence.

5. See report of central committee of Liberal party in Tullidge's *History of Salt Lake City*, pp. 432-3; also *Deseret News*, weekly, for Feb. 23rd, 1870.

6. *Deseret News*, daily, Feb. 10th, 1870 editorial.

Eli B. Kelsey, who informed them that this was an adjourned meeting of which he was chairman. He was ignored, however, and a new chairman and secretary were elected. When nominations were called for, one by one the nominees of a previous meeting that had been held in the tabernacle, on the 5th of the same month, were brought forward and placed in nomination at this usurped meeting. The so-called party *coup d'etat* is utterly indefensible from every viewpoint, and was successful only because the party against whom the injustice was practiced was not strong enough to resist it by physical force. The injustice of the procedure was doubtless not appreciated at the time.<sup>7</sup>

The minority party two days before the election made application for the appointment of one judge of election out of the three; and one clerk out of the two at the polls, but this was denied them by Mayor Wells, on the ground that the judges and clerks had already been appointed by the city council on the 1st of the month. He courteously assured the representatives of the new party, however, that "every protection" would be afforded the "voters to vote their respective tickets without partiality or hindrance; \* \* \* and it is designed," he added, "to enforce the strictest order."

The lateness of the application and the previous appointment of the election judges and the clerks may have justified the action of Mayor Wells, but of course minority parties must have the assurance of fair treatment at the polls by the presence of their representatives, rather than by the assurance, however, kindly, of their opponents; and that principle, of

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7. It has been suggested that the whole incident was but a practical joke, discourteous, perhaps, as most practical jokes are, but still a joke, etc.; but the evidence of the "joke" is entirely lacking, and of course was not seen in that light by those upon whom it was practiced, while the official dignity of those engaged in it would forbid acceptance of the theory. Another suggestion is that it was "merely a political move of party managers to show the people how futile an opposition party was, and how easily overwhelmed." (Tullidge's *History of Salt Lake City*, p. 429). In that event it was pretty serious business, and leads to the same conclusion expressed in the text. Stenhouse states that Brigham Young sent his chief clerk the next morning to assume responsibility for the damage done to the hall and the broken benches, and adds that "it was very fortunate that only broken benches had to be settled for." He represents it as a serious incident and one that might easily have ended in a tragedy.



course, became recognized in the legislation of Utah as elsewhere, in time.<sup>8</sup>

Fortunately the election passed off peacefully, and with the result already stated.

#### THE SCHISMATIC INFLUENCE AT WASHINGTON

The schismatics of the Godbeite movement were accorded an influence in the affairs of Utah at Washington, for a time, that was out of all proportion to their local influence or their numbers; but the country hoped much from the expected "division" they were to bring about within the church. Fortunately they were men who beyond doubt wished well for the people of Utah; and, moreover, they themselves, or most of them, were involved in the institution at which the unfriendly congressional legislation was aimed—*viz.*, polygamy; and evidently they desired to honorably discharge all moral obligations to their families.

The Cullom bill, then pending before congress was not only a measure to make the punishment of bigamy more certain, but proposed the disruption of the homes already established by such marriages in the past.<sup>9</sup> In view of that fact these schismatic brethren called a meeting with the more conservative Gentiles of the community to recommend some modifications of the Cullom bill. In that meeting the sentiment of the Godbeite leaders, in the main, was to ask for such modifications of the bill as not to disrupt existing family relations.<sup>10</sup> The prominent Gentiles who attended the meeting

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8. See act of the legislature Feb. 22nd, 1878, *Compiled Laws of Utah*, 1888, ch. ix, sec. 9, p. 321.

9. "The superfluous wives of Young and his followers," said the *Missouri Republican*, commenting on the bill as it passed the house, "are declared concubines and their offspring bastards and both women and children are literally turned out of doors and consigned to the cold charities of the world. The punishment of these comparatively innocent parties is actually more severe than that inflicted upon the more guilty. The male polygamist may escape scot free by simply giving up his female companions, but in any event they [the women and children] are reduced to pauperism at once, and forced to beg, starve, or do worse." (*Missouri Republican*, impression of March 27th, 1870).

10. E. L. T. Harrison said that the object of the meeting, as he understood it, was "to see if we could unite upon a Memorial to be addressed to the senate, requesting such modification of the Cullom bill as would except all marriages entered into before the passage of the bill. Mr. Stenhouse sustained Mr. Kelsey's position. If

were divided in opinion in the matter. General George R. Maxwell, United States land registrar, a veteran of the Civil War, was unwilling to ask any leniency respecting polygamy, but would "join in an effort to have the land and disfranchising clauses so modified as not to injure any who were disposed to be loyal to the government." Mr. Thomas Marshall, a prominent Gentile lawyer, was opposed to polygamy "and would favor any measure which confined itself to stopping the spread of the practice. For this reason he decidedly approved the main measures of the [Cullom] bill, provided existing relationships were not interfered with."<sup>11</sup>

The result of the conference was that a committee of seven was chosen to draft and forward to congress a Memorial asking for such modifications of the pending measure before congress as leading Gentiles and the Godbeite leaders could endorse.<sup>12</sup>

The appointment of the committee amounted to nothing, however, since before it proceeded far with its work,

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there had been a wrong in the past conduct of the Mormons, with respect to the violation of the act of 1862, he considered government equally as culpable as the people by their neglect on the subject. He heard Mr. Lincoln himself say, that 'if the Mormons let him alone, he would let them alone.' He, Mr. Stenhouse, would join in soliciting for a modification of the act. There were many points to which the attention of government ought to be called. One was that the circumstances of the people would not permit a separate provision for their families, were they ever so disposed to obey that part of the act; and that the carrying out of its provisions so far as existing polygamous families were concerned, would involve the people in an amount of loss and suffering of which the government has no conception." (The quotations are from the *Mormon Tribune*, last issue in March, 1870, the meeting was held on the 26th of March. See also Tullidge's *Quarterly Magazine* of Oct., 1880, pp. 59, 60).

11. *Mormon Tribune*, March, 1870, and Tullidge's *Quarterly Magazine*, Oct., 1880, pp. 60, 61. Mr. Marshall also "testified to his personal knowledge of the virtue, integrity, and loyalty of many gentlemen who were already practicing polygamy in Utah, and although he believed it to be a very great evil he felt it would be a still greater evil to break up family associations already formed. To do the latter he realized would be productive of great suffering and wrong, and, therefore, he should put his name to the proposed petition even if it stood there alone."

12. The committee as at first named included Messrs. J. R. Walker, J. M. Carter (of the law firm of Marshall and Carter), Samuel Kahn, R. H. Robertson, Warren Hansey, Thos. Marshall, and O. J. Hollister. Mr. Hollister subsequently "declined to act," and Bishop Daniel S. Tuttle, then in charge of the Episcopal missionary district, comprising Utah, Idaho, and Montana, "being informed that some gentleman had suggested his name as one of the committee, in a most kindly and Christian spirit cheerfully consented to fill Mr. Hollister's place." (*Mormon Tribune* account of the meeting, quoted in Tullidge's *Quarterly Magazine*, Oct., 1880, pp. 59-61. Also *Deseret News*, weekly, for 6th of April, p. 107).

members of it waited upon some of the church leaders—upon Elder John Taylor and George Q. Cannon, of the council of the twelve apostles, in the absence of President Young in the southern settlements of Utah<sup>13</sup>—and asked them if they would pledge the church to abide the law in the future if the proposed legislation should leave the past untouched. Not feeling at liberty to give any such pledge, having no authority to do so, the two apostles gave a negative answer to the question, whereupon the committee “resolved to fold its arms and let events take their course.”<sup>14</sup>

MR. GODBE IN THE COUNSELS OF GOVERNMENT OFFICIALS AT  
WASHINGTON

Some time previous to this Mr. Godbe had been sent to Washington strongly recommended to the consideration of President Grant by both the “new movement” leaders and the Gentiles.<sup>15</sup> It is said that at Washington, Mr. Godbe was introduced to President Grant by Vice President Schuyler Colfax who then left them to a long conference relative to Utah affairs which ended, it is claimed, in President Grant very greatly modifying his views on the subject of the “Mormon” question, bringing him to the policy of sternly enforcing the national laws made for Utah without reference to any new legislation, and keeping only such portion of the regular army in the territory as might be necessary to con-

13. *Deseret News*, weekly, of April 20th, 1870. President Young was absent fifty-two days on this journey in the south—the longest time he had been absent from the city since his return from Winter Quarters in 1848 with his family. This long absence in the south was interpreted in the east as meaning that he had already “fled” from the menaces contained in the Cullom bill, and it was thought in many quarters in the east that he would not return—that the threatened “Mormon” exodus in the event of the Cullom bill passing was already begun. The president was given a hearty welcome by the Latter-day Saints on his return, as may be judged by the following brief editorial account of it in the *Deseret News*, daily, of April 16th, the day of the president’s return: “The manifestations of welcome extended to President Young on his return today were never more numerous and enthusiastic. Citizens of all classes, and in very great numbers, accompanied by bands of music and hundreds of Sunday School children giving the most unequivocal expressions of their joy and gladness at his reappearance in their midst. We take very great pleasure in chronicling the fact.”

14. Letter of O. J. Hollister to the *Omaha Herald* under date of April 2nd, copied into the *Deseret News* of April 20th, 1870.

15. See Tullidge’s *Quarterly Magazine* of Oct., 1880, p. 58.

stitute a "moral force," instead of regular troops to enforce the law, or by calling forth volunteers to the number of "forty thousand" to enforce the anti-bigamy law, as was proposed at one time in the Cullom bill.<sup>16</sup> A protracted consultation which Mr. Godbe had with Mr. Cullom, is said to have had a like modifying effect upon the Illinois statesman; and so throughout there was, it is claimed, moderation of views at the national capital by reason of the intervention of the "new movement" leaders,<sup>17</sup> with a like effect upon the administration of affairs in Utah by the Grant appointees to the federal offices in Utah.<sup>18</sup> It is even claimed that the national military officers consulted with the "new movement" leaders<sup>19</sup> as to the military policy to be pursued, which led to the following conclusion:

"That military force was not necessary to solve the Utah problem; that all which was needed was sufficient troops in the territory to act as a 'moral force' upon the public mind, convincing the Mormons that the government intended to carry out its policy; that as more troops were designed for Utah, Provo would be the best place to station them; that these military movements should show no design to intimi-

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16. See *New York Herald* of 24th of March, 1870. Even with some of the more vicious sections stricken out and as it passed the house, the *New York Herald* still characterized it as a "cruel and tyrannous measure;" and suggested that it would be better to leave their (the "Mormon") system to the melting influence of the universal ballot (which unfortunately this bill curtails), the "schism," and the "iron horse." (*Ibid*). "It cannot be denied," said the *Missouri Republican*, "that the policy indicated in the enactment is nothing more or less than persecution, and will be so regarded by the Mormons themselves." (Impression of March 27th, 1870).

17. "The substance of the Utah policy recommended by Mr. Godbe and his compeers in 1869-70 to the government and leading men of the nation was to first establish over this territory a firm and potent federal rule. This, rather than special legislation and the increase of troops, was held to be the initial move of a proper United States policy for Utah." (Tullidge's *Quarterly Magazine* of Oct., 1880, p. 58).

18. *Ibid*, p. 63. Where, after detailing an interview between Governor Shaffer and Eli B. Kelsey, wherein Kelsey pleaded the "Mormon" cause, it is said: "From that time General Shaffer modified his desire for a war crusade against the polygamic people. His resolve thereafter was simply [to use his own words] to make himself the governor of Utah in fact, and commander in chief of the Militia." (*Ibid*).

19. "President Grant sent General Phil Sheridan to Utah to judge of the situation and to establish another military post. On his arrival, General Sheridan sent for Mr. Godbe to meet him at the governor's rooms. "Mr. Godbe," said the general, "President Grant has instructed me to come to you for my orders!" Such were exactly his words. And later he said in the presence of many federal officials: "The president has charged me to do nothing without consulting Mr. Godbe and his friends." (Tullidge's *Quarterly Magazine*, Oct., 1880, p. 63).



date the Mormons, but simply to assert the national authority by their presence."<sup>20</sup>

Nothing should be allowed to detract from whatever of merit belongs to the "new movement" leaders in bringing about modifications in legislative measures or executive policies relative to sorely-beset Utah. And doubtless the hope that there would result from their "rebellion" against the "one man power in Utah," a permanent schism in the Church of the Latter-day Saints, led the Washington authorities for a time to concede very much to their suggestions. But their influence was only temporary. It soon became apparent that they constituted no "party of reform" within the church, in any large way, and they were soon absorbed in the Gentile anti-"Mormon" political party, the formation of which—inevitable in any event—their "rebellion" only hastened. Nor even in the matter of modifying the legislative and executive policy towards Utah were the "new movement" leaders the principal factors. Other forces were operating; and of these the courage, boldness, and unfaltering faith of the Latter-day Saints themselves, which prepared them to make any sacrifice that might be necessary to maintain what they conceived to be the truth, and which constituted their religious faith, were the most potent.

#### THE CULLOM BILL

Their brave attitude and calm confidence in the overruling providences of God in this crisis of 1869-70, have already been set forth in these pages;<sup>21</sup> and it brought forth a widespread admiration for the sincerity of these "religious

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20. *Ibid.*

21. Chapter cxxxii. Tullidge, the historian of the Godbeite movement, thus speaks of the attitude of the "Mormon" church leaders, and of their people in the crisis of 1869-70: "This age has never witnessed another such example of religious defiance of all earthly governments, not even was that of the 'Utah War' its equal, for this was made, not in isolation now, but in the very face of the American nation, with the railroad completed over which, in a few days troops could have been hurried by the conqueror of the South." (The Godbeite Movement in Tullidge's *Quarterly Magazine*, Oct., 1880, p. 57).

fanatics of the nineteenth century." The question was asked in other places than in Utah, and by other persons than Mr. Colfax: "*Will the Mormons fight?*" and although there was never a doubt as to the final outcome of the "war," should it come, yet the settled conviction of the country seems to have been that the "Mormons" would fight, the conclusion being based upon previously manifest willingness to do so, and to sacrifice their property by destroying it, and following this act by flight to the mountains. The *Omaha Herald* in commenting on the "Mormon" protest against the passage of the Cullom bill by the senate after it had passed the house said:

"Notwithstanding the temperance and moderation which appear to have ruled the late action in Salt Lake, it requires no great discernment to perceive the determined spirit that lies behind it. If the Cullom bill shall become a law it will produce war and bloodshed. No man at all acquainted with the condition of affairs can doubt this, and we do not know how these consequences can be averted in that event. It is evident that the Mormon people intend to exhaust peaceful means to prevent the invasion of their homes and firesides from what they deem the destroying arm of religious persecution, but we do not think we are speaking unadvisedly when we continue to warn all that the Cullom bill means violence, war, and the certain destruction of great interests."<sup>22</sup>

Before the house of representatives had eliminated from the Cullom bill its special military features, the *New York World* said:

"This bill means war. Its terms and its provisions are in the nature of preparations for war. Its execution will assuredly be followed by war. Not only is the regular army to be ordered to Utah, but vol-

22. *Omaha Herald* of April 2nd, 1870. Previously the *Herald* had said: "Vast interests are involved in the passage of this Cullom bill, and that man who does not appreciate their magnitude, and the possible consequences of the measure which proposes, by what the *New York Herald* denounced as 'cruel and tyrannous' means, to overthrow the social, marital and domestic relations of 150,000 people against their known religious convictions, had better give heed to them. Utah may, indeed, with all its teeming industries, become 'a scene of desolation,' but if we do not misjudge the condition of affairs, those who would make it such—those who would put the torch to their own households and make ashes of their goods—might not stop here. Omaha, and all this western country, have a deep stake in this matter, and the Union Pacific railroad is also vitally concerned in it. The Nebraska delegation in the senate should never consent to making a law of the Cullom bill. Its passage by the senate will incur, not the certainty, but the liability, of the destruction of a vast and growing trade and business which it would require twenty years to repair and restore." (*Omaha Herald*, March 30, 1870).

unteers are to be called for, and these forces are to be placed under command of the experienced military officer General Schaffer, whom Grant just appointed governor of the territory. \* \* \* Either the president or congress has the power of putting the territory of Utah under martial law; and if Grant signs this bill, there need be no doubt that he will be prepared to exercise that power.<sup>23</sup> \* \* \* *Will the Mormons fight?* Will they fly? \* \* \* Fifteen years ago, when the Mormons had less than a quarter of their present strength, they showed their entire readiness to fight for their system. They met General Johnston's army in the mountains, harassed his advance on their strongholds, and, though matters soon came to a point at which warlike operations were stopped, they gave proof of their power to offer formidable resistance, as well as of their willingness to confront any enemy. Previous to that time, when in Nauvoo, they frequently displayed a similar spirit and purpose having their troops always organized and standing always in the attitude of saints militant and belligerent. In fact, the Mormon church and army have been 'one and indivisible' from the time that they were both organized by the Prophet Joseph Smith.

We do not believe that any one who comprehends the system and spirit of Brigham Young, as he has kept them up for the last quarter of a century, can doubt that the Mormons are prepared to assume a belligerent attitude, if the principles of Cullom's bill are enforced against them by military power. \* \* \*

Congress should understand this, and the country should be warned of these things before the passage of Cullom's bill.

There is danger that, after the circumstances of the case are developed, the government will be compelled either to back down from Cullom's ground or undertake a 'bigger job' than most people have any idea of. If we force them into a hostile attitude, the Mormons can give us a very disagreeable, a very wearisome, and tremendously expensive war. Cullom's bill provides for the employment of about forty thousand troops, partly regulars and partly volunteers. The Mormons could give such a force two or three years' fighting, at an annual expense to us of not less than two hundred millions of dollars.

The government should not forcibly interfere with polygamy or Mormonism at all. The pacific forces are now in action that will make it impossible for polygamy to exist any great length of time."<sup>24</sup>

#### THE CULLOM BILL DEFEATED

These considerations named in the above influential

23. This remark is justified both by the well known character for determination of President Grant, and also his principles respecting the enforcement of laws, stated in his first inaugural address. He said on that occasion that "he should have no policy of his own, except to carry out the will of the people, as expressed by the legislative department, and expounded by the judiciary." "Laws," said he, "are to govern all alike, those opposed, as well as those who favor them. I know of no method to secure the repeal of bad or obnoxious laws so effective as their stringent execution." (*Messages and Papers of the Presidents*, vol. vii, p. 6).

24. The *World* article is copied into the *Millennial Star* of vol. xxxii, pp. 259-260.

journals of the east and the middle west—and of course these are but samples of many such comments from leading journals of the country<sup>25</sup>—were the potent forces that defeated the Cullom bill and other extreme legislative measures of the period, and modified the national administration's policy with respect of Utah affairs, far more than any influence exerted by the "new movement" leaders. The church leaders, and the Latter-day Saints of that period, and now also, accord some part of their deliverance—the main and efficient cause of it all, whatever secondary means may have been employed—to the overruling providences of God in their affairs. They saw in the wonderful change that came over the spirit of the press, the people and the congress of the United States, another fulfillment of that promise of God that he, from time to time, would soften the hearts of the people, as he did the heart of Pharaoh in the case of ancient Israel, for

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25. A very large number of press comments of the character of the quotations in the text above will be found in the *Deseret News*, weekly, for 1870, *passim*; and also in the *Millennial Star* for the same year (vol. xxxii). The quotations collected in these periodicals include many of the most influential journals of the United States, such as the *New York Sun*, *Times*, *Herald*, *World*, *Cincinnati Times*, *Springfield Republican*, *Missouri Republican*, *Chicago Times*, *Chicago Tribune*, *New York Journal of Commerce*, *Springfield (Mass.) Republican* and others. Under the caption "*What They Say About Us*," the *Millennial Star* runs an article in three installments at pages 193, 230, 243 of vol. xxxii, of these press comments, of which the following is the introductory paragraph of the first installment: "'Fire and Sword' seem to be the favorite arguments of bigoted parsons, small-beer politicians, wiggling pettifoggers, and scheming speculators, but some other people evidently have a little better sense and little more regard for the public weal. While nearly all the American papers conclude that they do not like 'Mormonism,' the principal of them appear to be favorable to the policy of leaving it to 'religious and moral influences.' The *New York Tribune* thinks, 'the solution of the Mormon problem under these circumstances and influences cannot be long delayed.' The *New York Herald* says humanity 'demands the intervention of the government either for the peaceable abolition of Mormon polygamy, or for the quiet removal of the Mormon saints to some other country.' The *New York Times* thinks neither legislatures nor armies can possibly be successful in destroying 'Mormonism,' and therefore neither should be employed. The *Times* is decidedly in favor of the 'moral and religious policy.' 'Mormon polygamy we think may be safely left to the corrective power of advancing civilization. The building of the Pacific Railroad has struck it a blow, the effects of which it can escape only by flight to some remoter region. The whole Mormon population of Utah territory does not much exceed 100,000 and in a very few years this little band will be outnumbered by the crowd of Gentiles who will surround Salt Lake. There will be no need then to make laws against polygamy, and until then there will be no use in doing so.'" (*New York Sun*, Dec. 15, 1870. Copied into *Millennial Star*, vol. xxxii, p. 13. See also *Millennial Star*, vol. xxxii, pp. 147-151 for a number of excerpts from prominent New York papers. *Ibid*, pp. 166-7). And so throughout this collection of press comments, the spirit of which is reflected in the foregoing excerpts; not only under the special caption "*What they say about Us*," but throughout the volume.



the accomplishment of his purposes with reference to the New Dispensation of his gospel in the world.<sup>26</sup>

#### REVIEW OF FEDERAL APPOINTEES FOR UTAH

It should be noted that for some time there had been little or no trouble between the people of Utah and the federal officers of the territory. After the territory was rid of the meddlesome Governor Harding—1863; and the equally meddlesome Associate Judges Chas. B. Waite and Thos. J. Drake, of the same period; the succeeding federal officers contented themselves with the regular performance of their duties. Both Governor Doty and Durkee were satisfactory governors; as also were the acting governors, Secretaries Edwin Higgins, of Michigan, and S. A. Mann of New York, who filled the interim between the resignation of Governor Durkee in January, 1869, and the arrival of President Grant's appointee to the office. The judiciary officers, John Titus of Pennsylvania, and Charles C. Wilson of Illinois, chief justices in succession, covering the same period; and S. P. McCurdy, of Missouri, Enos D. Hoge, of Illinois, associate justices, were also satisfactory;<sup>27</sup> as were also the United States Marshals Josiah Hosmer and Joseph M. Orr, in succession; and the District Attorneys Hosea Stout (a Utah man, and a "Mormon"), and C. H. Hempstead, also in succession, and covering the same period were satisfactory officers.

#### GRANT'S APPOINTEES TO FEDERAL OFFICES IN UTAH

This brings the enumeration of the principal United States officials for Utah up to the inauguration of the Grant appointees. As might be expected the inauguration of the plans for the "reformation of Utah" which grew out of the

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26. See *Doctrine and Covenants*, sec. cv:25, 27, in connection with the comments in chapter cxiii of this *History*.

27. Exception should be taken in the case of Associate Justice McCurdy who figured so prominently in the Brassfield "wedding," and made so loud an appeal for military protection from alleged threats against himself. (See this *History*, chapter cxxx).

Colfax-Bowles-Brassfield-Richardson and Salt Lake "ring"<sup>28</sup> agitation, called for a different class of United States officials than those referred to above, and accordingly a different class of men was appointed. The Grant appointees were, for governor, J. Wilson Shaffer, of Illinois, a Civil War veteran and personal friend of General John A. Rawlins, Grant's first secretary of war. Shaffer had served as chief on General B. F. Butler's military staff during the war and was regarded as a loyal and efficient officer;<sup>29</sup> Vernon H. Vaughn of Alabama was appointed secretary; and James B. McKean, of New York, was appointed chief justice. O. F. Strickland, of Michigan, and C. M. Hawley, of Illinois, both appointed in April, 1869, were the associate justices. M. T. Patrick was appointed United States marshal and George C. Bates United States district attorney.

#### JUDGE JAMES B. MCKEAN

Judge McKean is said to have come to Utah "with the prestige and experience of an honorable past to lend luster to his local position and light the pathway of duty lying before him. In the 'Empire State' he was the first county judge to be elected by the Republican party in Saratoga county." He was sent to congress from the district in which

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28. The "Utah Ring" of this period consisted of those local anti-"Mormon" agitators who hoped to profit by the conflict they sought to create between the "Mormon" community and the United States. They were in larger part the lawyers who had flocked to Utah in hope of profitable employment during the land-jumping period treated in a previous chapter (ch. cxxxi); some of the officers of the California volunteers who remained in the territory after the volunteers were replaced by troops from the regular army; political adventurers who had drifted westward, and merchants and government contractors who hoped to profit by the aforesaid projected conflict. These elements were represented by such characters as R. N. Baskin, who came from Ohio, and became United States district attorney by appointment from Judge McKean, and assistant district attorney later; O. J. Hollister, United States revenue collector; J. P. Taggart, United States assessor; Dennis J. Toohy, editor and sometime partner with O. J. Hollister in the ownership of the *Corinne Reporter*; Frank Kenyon, proprietor of the *Review*, an anti-"Mormon" paper of brief existence.

29. The *Springfield* (Ill.) *Republican*, impression of Dec. 25th, 1870, said of Shaffer's appointment: "General Grant appoints him on the strength of personal knowledge of his character and experience."

he resided, and remained a member of the house of representatives until after the beginning of the Civil War. "In 1862 he resolved to take the field and fight for the Union," says a biographical sketch of the judge. "Accordingly he raised the seventy-seventh New York volunteers, of which regiment he was chosen colonel. He took an active part in the Peninsular campaign, but owing to serious illness, which came nigh terminating his life, was compelled to resign the colonelcy of his regiment. Having recovered his health, he practiced law in New York City, and was still pursuing his profession in the metropolis when he received his appointment as chief justice of Utah."<sup>30</sup>

"James B. McKean was a native of the state of Vermont, and was born in 1821. His father was a Methodist clergyman. Much of Judge McKean's life was spent in the state of New York, and when he arrived in Utah, direct from the 'Empire State,' he was forty-nine years of age."<sup>31</sup> A biographical sketch of McKean by Mr. Fred Lockley, an admirer of the chief justice, will also be found in Tullidge's *Quarterly Magazine* for April, 1882.<sup>32</sup> It appears that not only was the chief justiceship of Utah unsought by McKean, but he was reluctant to accept the position when it was tendered to him by President Grant—or was his reluctance assumed in order to get the pledge of military support from President Grant? The conspiracies of those days respecting Utah, Judge McKean's subsequent desperate course, and the frequent mention of using military force in Utah by President Grant himself, tempt one to believe that such was the case. The following is from Lockley's biographical sketch above alluded to, let it be considered with reference to the suggestion here made as to the reluctance of accepting the position of chief justice being assumed in order to force the pledge of military support:

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30. The above quotations are from Whitney's *History of Utah*, vol. ii, p. 543.

31. *Ibid.*

32. Vol. ii, pp. 79-85.

"He kept the matter [of his acceptance of the chief justiceship] under advisement for two months, and in August repaired to Washington to confer with the president on the matter. Thanking the great chieftain for this distinguished mark of confidence Judge McKean gave his objections to accepting the office. The laws were not enforced in Utah, and the federal judiciary held an anomalous position. 'I am a man of positive character, Mr. President,' said the judge, 'and in my endeavors to perform my duty in Utah I may become embroiled with the Mormons. No means exist there to execute my decrees, and thus I may stir up trouble to no purpose, and bring humiliation upon myself.'

The president listened to this reasoning with his customary immobility, and then he urged the acceptance of the office upon his visitor. He said he had chosen the judge because of his firmness of will. He designed to have the laws enforced in Utah, and would send judicial officers with nerve and honesty enough to do it. 'Go there,' he said, 'and make the laws respected. If your associates do not sustain you, I will choose men who will; and if civil process will not restrain lawlessness, I will support you with the army of the United States.' This assurance removed Judge McKean's misgivings. 'Coming from a soldier,' the deceased [the judge was then dead] has several times said, 'I supposed it amounted to something.' He accepted the position, withdrew from his business in New York, and lost no time in coming to Utah."

It is also said that Judge McKean was appointed at the instance of Dr. Newman, according to the *Pittsburgh* (Pa.) *Leader*, "who openly expressed his desire that the Mormons should be 'rooted out,' by any and all means."<sup>33</sup> He succeeded Judge Charles C. Wilson who had been dismissed from office for too great leniency toward the "Mormons" in the matter of granting them naturalization rights,<sup>34</sup> and because he was not in harmony with the new regime inaugurated in Utah.<sup>35</sup>

#### INTERVIEW BETWEEN JUDGE WILSON AND PRESIDENT GRANT

The dismissal of Judge Wilson from office resulted in a rather strenuous interview between himself and President Grant. According to a Washington correspondent of the

33. *Pittsburgh* (Pa.) *Leader*, impression of March 17th, 1875, quoted in *Milennial Star*, vol. xxxvii, p. 283.

34. See *Cincinnati Commercial*. Copied into *Salt Lake Herald*, vol. i, No. 14.

35. Chief Justice Wilson was removed, and his friends sought to know the reason of his removal, and were answered by the 'national executive' that 'General Shaffer's staff must be a unit.'" (*Answers to Questions*, George A. Smith, pp. 63 and 67).



*Cincinnati Commercial*, "Judge Wilson, having learned of his removal, went to Washington, and with Congressman Hawley called on the president." According to *Don Piatt*, the aforesaid correspondent, there was a good deal of "smoke" about the visit, coming from the direction in which President Grant was seated. The annexed is part of what is said to have passed at the interview: "He [Judge Wilson] would like as his friends would," said Hawley, "to know the ground of his removal." His excellency said with evident effort, "Governor Shaffer wished it." "Why?" "Because he says Judge Wilson is in the habit of naturalizing applicants who come in from other districts." Hawley looked at the judge, and the judge made reply: "I may have done so; I do not know. But if I did, it is because my district is the only one in which court is held. All the law business of Utah is transacted at Salt Lake City. Courts are held not more frequently nor longer than one day in a year, in the other districts. There is no law prohibiting their coming." "But," said his excellency, after a long pause, "General Shaffer charges that you do not put the test oath to the applicant." "What is that?" "As to his being a Mormon or believing in polygamy," coolly said the president. "I certainly have not; I am not authorized by law to make any such test. The questions I have to ask are prescribed in so many words, and I could as well ask a man if he had ever stolen horses, or believed in horse stealing, or refuse administering the oath because the applicant was not sound on infant baptism or second marriage. I went to Utah to administer the law, not to make, nor, above all, to break, the law. If judges are needed, in accordance with Governor Shaffer's wishes, to perjure themselves by violating the law they have sworn to sustain, it is well to get me out of the way."<sup>36</sup> The *Commercial* article was sent to Judge Wilson by Delegate Hooper, and in the letter acknowledging receipt of the same he said: "All of which is very good" [though

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36. The *Commercial* article is copied into the *Salt Lake Herald* of vol. i, No. 14.

claiming that some parts of his quoted remarks were "highly colored" ], "but I do not know that it will do any damage." "I saw and heard enough while at Washington," he continues, "to satisfy me that Grant, Butler, Shaffer and Co. are determined to bring on a war with your people, not from any pure or humane motives, but simply to, if possible, make capital for some of those political buzzards. To all of which I am greatly and violently opposed."<sup>37</sup>

Such were the Grant appointees, and with their advent the Utah stage was once more set for a religio-political drama—a renewal of the old conflict for the right of local self-government as against federal encroachment upon that right, a conflict with which Utah had been plagued from the commencement of her existence.

#### LEGISLATION UNDER THE NEW REGIME

After his appointment Governor Shaffer had remained in Washington for some time hoping for the passage of the Cullom bill by the senate which would have conferred upon him very extraordinary powers, by which the local territorial government would have been practically abolished; but in this the governor was disappointed. Meantime, during the winter of 1870, the territorial legislature met and Territorial Secretary S. A. Mann, acting governor, signed the bills that were passed. Secretary Mann was a very acceptable governor to the people. He refused absolutely to be controlled by the "ring of hungry agitators;" acted upon his own judgment, and united with the legislature in the passage of a number of measures beneficial to the territory. Among these was the passage of a code of civil practice; a general incorporations act was passed under which industrial and commercial companies could be organized. An *ad valorem* tax of one-half of one *per centum* being found more than necessary to sustain the expenses of the territory, it was reduced to one-

37. Judge Wilson's letter to Wm. H. Hooper, June 23, 1870; *History of Brigham Young, Ms.*, 1870, p. 1000.

quarter of one *per centum* for territorial purposes, while the counties were authorized to increase their tax from one-half of one *per centum* to three-fourths, "under extraordinary circumstances." "This provision," says George A. Smith, who was president of the council of the legislature that year—and for five previous sessions—"left ample means for all territorial purposes and placed a greater portion of the responsibility of repairing and building bridges and roads, which heretofore devolved upon the territory, upon the counties."<sup>38</sup> It would seem as if special preparation was being made for the coming political conflict. All the territorial expenses of the district courts were paid up to date, and a contingent fund of \$4,000 was appropriated to be expended by the territorial marshal for the future expenses of those courts; the territorial officers (elected by the legislature under the laws of Utah, to be commissioned by the governor) auditor, treasurer, probate judges, notaries public, were elected for four years, and commissioned by Acting Governor Mann.<sup>39</sup> The city of Corinne was incorporated, embracing a tract of about 2,500 acres of land on the north side of Bear river. A bill was also passed and signed conferring the right of the elective franchise on women.

#### WOMAN SUFFRAGE FOR UTAH

About a year previous to this it looked for a time as if suffrage would be conferred upon the women of Utah by congressional enactment. On the 27th of February, 1869, Professor J. K. H. Wilcox appeared before Messrs. Ashly of Ohio, Cullom of Illinois, and Hotchkiss of Connecticut, of

38. *Answers to Questions*, pp. 61-2.

39. *Ibid*, p. 62. In a letter to Delegate Wm. H. Hooper the president of the council of the legislature under date of Feb. 19th, 1870, said: "The legislature closed its session this morning at four o'clock. The relations, with the governor, were of the most cordial character; he exercised the absolute power of veto in only two instances; neither of the bills vetoed, were of first importance. \* \* \* We have come to the conclusion that the governor is really a *Man* [play on 'Mann']. And instead of being influenced by the 'ring'—hungry agitators, he has exercised his own judgment in his relations with the legislative assembly, and no session has gone off more pleasantly since Governor Young's administration terminated."

the house committee on territories, on behalf of "The Universal Franchise Association," and advocated the passage of a bill for the extension of the suffrage to the women of the territories. It was claimed in the address delivered to the committee and a number of invited guests, mainly ladies, that the unequal distribution of the sexes in the nation, "with its attendant evils of low wages and lives of ill-fame, would be much lessened by enfranchising the women of the territories." Moreover, it was urged that granting the franchise to women of the territories would give them greater security in person and property than existed elsewhere, and this would induce the emigration of women from "the overcrowded east." As to its effect in Utah—well, polygamy only existed where women were "degraded." "How then could women be elevated?" Answer: "By giving them additional power, and by this means polygamy would be destroyed."<sup>40</sup>

This suggestion "took," with some of the statesmen at the nation's capital, and in the latter part of March the press dispatches announced that Mr. Julian, a member of the house from the state of Indiana, introduced a bill conferring the franchise upon the women of Utah, and seemed somewhat surprised to find the Utah delegate, Mr. Hooper, to be heartily in favor of his measure.<sup>41</sup> The next day Mr. Pomeroy, of Kansas, introduced a similar bill in the senate of the United States.<sup>42</sup> Allowing that the *Deseret News* represented the views of the people of Utah on this subject of the elective franchise being granted to the women of Utah, they were much elated at the prospect; for three editorials appeared in quick succession, urging the passage of these bills. So urgent in fact did these editorials represent the people of

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40. *Washington Chronicle*, February 28th, 1869.

41. *A Bill to Discourage Polygamy in Utah*, was the title of Mr. Julian's measure. On its presentation Mr. Hooper said: "That bill has a high sounding title. What are its provisions?" Mr. Julian replied simply a bill of one section providing for the enfranchisement of the women of Utah. "Mr. Julian," said the delegate from Utah, "I am in favor of that bill." He inquired, "Do you speak for your own leading men?" Mr. Hooper replied, "I do not; but I know of no reason why they should not also approve of it."

42. See press dispatches in *Deseret News*, weekly, of March 31st, 1869.



Utah to be, and so willing was their delegate in congress to have the bill passed, that congress grew suspicious and lost interest in this method of "suppressing polygamy."<sup>43</sup> The bills never came to a vote in either house of congress. But what congress refused to grant to the women of Utah, the legislators of the territory decided to give, and accordingly passed the enfranchisement bill which was signed by Acting Governor Mann as already stated. A delegation of women from a meeting in the fifteenth ward society hall waited upon the acting governor and for themselves, and in behalf of the women of the territory, tendered their thanks and grateful acknowledgments for the honor conferred upon the women of Utah by the enfranchisement act.<sup>44</sup>

Mr. Mann replying expressed the hope that the ladies would "so exercise the right conferred as to approve the wisdom of the legislation."<sup>45</sup> Acting Governor Mann was the

43. The dispatches announced Julian's bill as—"A Bill to Discourage Polygamy." In the editorials referred to in the text above it was said of Mr. Julian's bill: "The bill proposes to check polygamy in this territory, to give suffrage to the women. We like this suggestion. If carried out, and if it should work as its originators hope it will, it would be a very easy method of settling this vexed question, and without the fuss and trouble which have heretofore attended the various schemes that have been proposed for that object; but if the ladies should exercise the right of suffrage and yet not discourage nor break down polygamy, then members of congress would, perhaps, be satisfied to let the question rest, and to cease troubling themselves about an institution which those who are most affected by it hold as every way preferable to the monogamic institution. \* \* \* In either case the passage of the bill might be attended with satisfactory results, and, therefore as an earnest advocate of 'Woman's Rights,' we go in for it, and say let the ladies of Utah have the right of suffrage." (*Deseret News*, weekly, of March 24, 1869). About four months previous to this the *News* expressed itself as being in favor of suffrage. (See *Deseret News*, weekly, of Dec. 9th, 1868).

44. The names of the delegation were as follows: Eliza R. Snow, Bathsheba W. Smith, Sarah M. Kimball, Margaret T. Smoot, Harriet C. Young, Zina D. Young, Mary Q. Horne, Marinda N. Hyde, Phebe C. Woodruff, Elizabeth H. Cannon, Rachel R. Grant, Amanda Smith, Amelia F. Young, Prescendia H. Kimball. (*Deseret News*, weekly, of March 2nd, 1870).

45. *Ibid.* Of the meeting of the delegation of women with the acting governor George A. Smith wrote Delegate Hooper that "the ladies said they thought the governor was about as much embarrassed as they were." (Letter to Hooper, Feb. 19th, 1870, *History of Brigham Young, Ms.*, 1870, p. 310). Mann doubted the wisdom of granting the suffrage to women but signed the bill in deference to the unanimous vote of both branches of the legislature on the subject. (See official communication to Orson Pratt, speaker of the house, *Deseret News*, weekly, Feb. 16th, 1870). Commenting upon the probable effect of suffrage on polygamy in Utah, and on Utah affairs generally, the *News* said editorially: "As for ourselves, we have no doubt as to the result and are satisfied that it will strengthen the cause of Zion, polygamy included. \* \* \* On the plural marriage question we are as firmly convinced as we are of our own existence that were its continuance or abolition put to the vote of the female portion of our

first executive to sign a suffrage bill in the United States; for though the Wyoming bill enfranchising the women of that territory became a law on the 10th of December, 1869, more than two months before the Utah act was approved, the governor of that territory, John A. Campbell, vetoed the measure on the date above given; however, it was passed over his veto, and became a law, being "cordially approved by the (federal) government."<sup>46</sup>

Governor Shaffer at Washington viewed the course of Acting Governor Mann both in commissioning the officers elected by the legislature and signing the Woman Suffrage bill with growing irritation. To Delegate Hooper he declared his intention to telegraph the acting governor to veto it; but this was not done, doubtless recognizing the futility of such an act if Mann should be determined in the matter.<sup>47</sup>

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population today, it would be sustained by a nine-tenths majority; and upon this score, which has enlisted the mock sympathy of so many, no disadvantage to Zion's cause will ensue. In every other way it cannot but result also in good. The *New York Globe*, of the 14th of February, said: "A morning dispatch informs us that the women of Utah vote today, since female suffrage has become a law in that territory. \* \* \* That the women of Utah will today vote to abolish polygamy, we do not expect. They are as much in favor of that system as the men. It is wrong to expect this of the women of Utah, and it will be unfair to call female suffrage a failure if they do refuse to abolish polygamy."

46. Bancroft's *History of Wyoming*, p. 747; Whitney's *History of Utah*, vol. ii, p. 403, note, also editorial in *Deseret News* of Feb. 16th, 1870.

47. Tullidge's *History of Salt Lake City*, p. 480. Tullidge represents that Shaffer did not send this intended telegram because Delegate Hooper treated as a hoax the press dispatch telling of the passage of the bill by the Utah legislature. That would put Delegate Hooper in the attitude of deceiving the appointed governor and represents Shaffer as being altogether too credulous. The law made the secretary of the territory acting governor, in the absence of the governor, and the absent governor could not effectively govern by telegraph. Shaffer was helpless in the matter if Mann was determined, hence the uselessness of telegraphing.

## CHAPTER CXXXVII

### GOVERNOR SHAFFER'S COURSE IN UTAH—END OF THE NAUVOO LEGION—THE PROVO RIOTS

G OVERNOR SHAFFER arrived in Salt Lake City on the 20th of March, 1870. It is not too much to say that he came prepossessed with great prejudice both against the people of Utah and the Latter-day Saint Church leaders. The large influence of President Brigham Young was a constant source of annoyance to the governors and other United States officials in Utah. It entered into common parlance that "so and so was governor of the territory, but Brigham Young was governor of the people." "Never after me, by G—d! shall it be said," boasted Shaffer, on receiving his appointment, "that Brigham Young is governor of Utah;"<sup>1</sup> and he came to Utah determined to make this assertion good.

#### THE SEEKERS AFTER OFFICE

On arriving in Utah the governor was immediately surrounded by a horde of hungry office seekers, disappointed by the failure of the Cullom bill which would have placed nearly all the offices of the territory within the gift of the governor;<sup>2</sup> and he would have supplied them with the much needed occupation to keep body and soul together. "The governor took quarters at the boarding house of William H. McKay, of whom he spoke 'as an old friend,' " says George A. Smith, counselor to President Young, also author of *Answers to*

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1. *History of Salt Lake City*, Tullidge, p. 480.

2. Under the Cullom bill as it passed the house the United States marshal was authorized to appoint a deputy in each of the judicial districts; the United States district attorney was authorized to appoint an assistant in each of said districts; the governor was made inspector of the jails and other prisons of the territory, to make rules for them, remove the wardens and keepers, and appoint others, "as often as, in his opinion, the public good shall require;" also by section 23 the governor was authorized to appoint all probate judges, justices of the peace, judges of all elections, notaries public; all sheriffs in said territory were to be appointed by the governor and were subject to removal by him. (See Cullom bill as it passed the house, in *Deseret News*, weekly, of March 30th, 1870). In view of the proposition to throw all the appointments into the hands of the governor, the number of expectant anti-"Mormon" men who had flocked to Utah was considerable.

*Questions* on early Utah history, and so frequently quoted in these pages. The governor was most unfortunate in the selection of his headquarters; that this is true, and that the comments of Mr. Smith on the governor's course and surroundings are just, it is only necessary to show that the place was headquarters of a set of highway robbers, of whom the proprietor of the "boarding house" was chief. On the night of the 23rd of October, 1870, the stage coach from Pioche, Nevada, was robbed about four miles north of Chicken Creek (between Levan and Nephi) in Juab county. The treasury box of the Wells Fargo & Co., was broken open and emptied, the registered mail sack taken and the passengers robbed of about \$1,500. Three men perpetrated the daring robbery. The matter being reported at Nephi the sheriff of Juab county, Mr. Cazier, organized a *posse* and the day following the robbery captured the perpetrators of it, who turned out to be William H. McKay, late proprietor of the "Revere House," where the governor made his headquarters; one St. Ledger, "a man about town," in Salt Lake City; and one Heath, formerly a United States soldier. "St. Ledger turned state's evidence, and told where they had hidden a part of the plunder, and it was recovered. As showing the zeal of Brigham Young in his efforts to put down and at once stop anything of the kind, I might mention that as soon as the facts of the robbery were made known in Salt Lake City his people were notified by telegraph for five hundred miles to turn out—young men and old men and dogs—and also to bring into requisition the services of the Indians to track the villains, but on no account to fail in apprehending them. The response was the immediate capture of the robbers." The money taken by the robbers was all recovered.<sup>3</sup> The robbers were turned over to the United States officials. St. Ledger turned state's evidence, and was released; Heath escaped, and McKay was tried in the United States court,

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3. *Deseret News*, weekly, Nov. 2nd, 1870.



convicted and sentenced to five years imprisonment. This was the first mail coach robbery that occurred in the territory.<sup>4</sup> The happy conclusion of the whole incident made it pretty clear that "Utah," as remarked by one of her prominent citizens, was "not a healthy place for road agents."

This McKay's "boarding house" became the headquarters of the "ring" during a great part of Shaffer's brief administration. There a hungry horde of office seekers surrounded his excellency so continuously that it was weeks before an "old citizen" could get an audience; and even then it was at a place, and in company, and under circumstances not calculated to give his excellency any correct understanding or appreciation of the actual conditions, wants, and situation of the people he had come to govern.<sup>5</sup>

The governor attended the annual conference of the church, held that year from the 5th to the 9th of May.<sup>6</sup> His excellency had received a formal invitation from President Young to attend and he was present on the stand at one of the meetings, and invited to address the people, but declined the honor.<sup>7</sup>

This conference was notable for two things: the large attendance upon its sessions—it was estimated that 13,000 were present on Sunday the 7th; and for the absence of any criticism or comments upon the threatening attitude of the administration. "A spirit of serene calmness, of implicit faith in God was manifest in all the utterances from the stand.

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4. George A. Smith's *Answers to Questions*, p. 63. The incident is described in the *New York World* by one of the victims of the robbers, who gives high praise to the "Mormon" officers who captured the outlaws and recovered the booty. (See *Millennial Star*, vol. xxii, pp. 3-6).

5. *Answers to Questions*, p. 62. Also *Deseret News* of Nov. 2nd where it is said: "Since his [Governor Shaffer's] sojourn in our midst he has kept himself aloof, almost entirely, from the people, he being seldom seen in public on any occasion." The *News* also says that this was largely due to the governor's state of ill health.

6. The annual conference met in the tabernacle, in Salt Lake City, on the 6th of April, but after one session adjourned until the 5th of May. This action was taken owing to the gallery, then in course of erection in the tabernacle, not being completed, and the absence of President Young in the southern settlements.

7. Letter of George A. Smith to Honorable J. S. Harris, under date of May 8th, 1870, *History of Brigham Young, Ms.*, for 1870, pp. 834-5.

Our people have been often threatened," was the *Deseret News* comment upon that conference and of the likelihood of disagreeable occurrences happening, "but at no previous time has there been so universal a feeling of indifference respecting the machinations of the wicked as prevails now in this community."<sup>8</sup>

#### THE EXECUTIVE IN CONFLICT WITH THE JUDICIARY

Soon after Governor Shaffer arrived in Utah, the question of commissioning some of the officers elected by the legislature previous to his arrival came up and he refused to commission them. Whereupon threats were made of suing out a writ of mandamus to force his action. Shaffer asked Chief Justice Wilson if he would issue such a writ. "Certainly," said the justice, "if a case were made out." "Well, now," exclaimed the governor, "I like that! I am sent here to regulate things and I am to be controlled by a judge." "I beg pardon, governor," answered Justice Wilson, "it strikes me you are to be controlled by law."<sup>9</sup> The governor also undertook to prescribe the duties of the probate judges. "I instructed them," said Chief Justice Wilson, "to disregard his rules and consult the law as to their duties. Whereupon he swore to remove me, and removed I am."<sup>10</sup> The removal of Judge Wilson occurred in July. This made way for the appointment of Judge James B. McKean. About the same time—July—the secretary of the territory, Mr. S. A. Mann, was removed and was succeeded by the appointment of Vernon H. Vaughn.<sup>11</sup>

8. See *Deseret News* of May 11th, 1870, editorial, p. 162. The Minutes of the Conference are published in the same impression.

9. The incident and dialogue is published in the *Salt Lake Herald* of June 21st, 1870.

10. *Ibid.* "What is his [Shaffer's] purpose, do you suppose," asked *Don Piatt* of the *Cincinnati Commercial*: "To provoke a collision between the United States officials and the Mormons so as to justify a call of troops and force on a war." (*Ibid.*)

11. It appears that a Mr. Crowe was appointed to be Utah's secretary, but he died the day following his appointment, and Mr. Vaughn was the next nominee. Delegate Hooper speaks of "Secretary Crowe" as a "galvanized rebel." He served as a colonel in the Confederate army; but congress had removed his political disabilities. (See letter of Delegate Hooper to George A. Smith, in *History of Brigham Young, Ms.*, 1870, p. 949).

## GOVERNOR SHAFFER AND THE UTAH MILITIA

The one event which more than all others made Shaffer's brief administration memorable occurred on the 15th of September. The Utah militia, under the title of the "Nauvoo Legion," for eighteen years, ever since its reorganization by the Utah legislature, by an act approved March 6th, 1852<sup>12</sup>—had met in annual musters; and in accordance with this custom Lieutenant General Daniel H. Wells, 16th of August, 1870, issued the usual order for a three days' muster "for the purpose of drill, inspection and camp duty."<sup>13</sup> A month later, namely, on the 15th of September, Governor Shaffer, arbitrarily setting aside the territorial law governing the election of the lieutenant general of the Utah militia, and falsely citing the laws of the United States as authority for his action, appointed and commissioned P. E. Connor, major general of the militia of Utah territory, and Wm. Johns, colonel, and assistant adjutant general.<sup>14</sup> On the same date he issued a second proclamation forbidding and prohibiting "all musters, drills, or gatherings of the militia, and all gatherings of any nature, kind or description of armed persons within the territory of Utah," except upon his orders, or by the orders of the United States marshal, should he need a *posse comitatus* to execute any order of the court, "and not otherwise." Also ordering that all arms, or munitions of war belonging to either the United States or the territory of Utah, now in possession of the Utah militia, be delivered to "Colonel Wm. M. Johns, assistant adjutant general;" and should the United States marshal need a *posse comitatus* to enforce any order, he must make the requisition of "General

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12. Of course a military organization existed in Utah before 1852, from 1849 in fact; and afterwards, the provisional "State of Deseret" directed the organization of the Nauvoo Legion according to plans reported by Daniel H. Wells and Charles C. Rich. (See this *History*, chapter xc). But the act of 1852, was the organization effected under the authority of the territory of Utah.

13. The order complete will be found in *Deseret News*, weekly, for August 31st, 1870.

14. For the proclamation in full, see *Salt Lake Herald* of Sept. 17th, 1870.

P. E. Connor," who by this proclamation was authorized to call out the militia for said purposes, and not otherwise.<sup>15</sup>

GENERAL D. H. WELLS *vs.* GOVERNOR SHAFFER

On the 20th of October General Wells addressed a communication to Governor Shaffer, referring to his proclamation, and calling attention to the fact that neither "the terms of his proclamation," "nor the laws of the territory, nor the laws of congress, requiring reports of the force and condition of the militia of the territories, could be complied with, and therefore respectfully asked for and in behalf of the militia of said territory that the governor suspend the operation of his proclamation until the 20th day of November." To this suggestion the governor made a very caustic reply, not only denying the request, but manifesting the bitterness of his hatred for the "Mormon" church leaders, altogether out of place in an official document. A few hours after the reply to his letter had been received by General Wells, the entire correspondence was in print. Which makes it clear that the answer was made especially with the view of its publication, and for the effect that it would have on public opinion outside the territory—it was written for consumption "abroad." The closing paragraph of the governor's letter expressed the hope that what he had written would be "sufficiently explicit to be fully understood, and supercede the necessity of any further communication on the subject." But here Governor Shaffer gave evidence of the fact that he did not understand the character or capacity of the man with whom he was dealing. Further direct personal communication with Governor Shaffer was of course ended by the latter's request that it be so; but there was left to General Wells an appeal to the same court that Governor Shaffer himself had appealed to by the publication of the entire correspondence, *viz.*, the court of public opinion; and to that court General Wells addressed himself in

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15. *Ibid*, for the proclamation in full.



a very effective open letter to the governor. As the correspondence marks in effect the end of the Nauvoo Legion, and since said legion has been so conspicuous at various times in the history of the Church of the Latter-day Saints, it is only proper that the main points of it be summarized.

#### SUMMARY OF GOVERNOR SHAFFER'S LETTER

1. The governor notes that General Wells signs himself "Lieutenant General, commanding the militia of Utah Territory;" and as the law of the United States provides for but one lieutenant general, and as the incumbent of that office is "The distinguished Philip H. Sheridan," the governor thinks—sarcastically—"that he will be pardoned for recognizing no other."

2. In General Wells' communication the governor had been addressed as 'commander in chief of the militia of Utah territory.' This, the governor claimed, was the first instance in twenty years—ever since the organization of the militia by territorial enactment—that either General Wells or any of his "predecessors in the pretended office," had recognized the governor to be, as the organic act makes him, the commander in chief, etc. "I congratulate you," said the governor—again sarcastically—"and the loyal people here, and elsewhere, on the significant change in your conduct."

3. By asking for the suspension of the operation of his proclamation, General Wells had virtually asked the governor to recognize "an unlawful military system, which was originally organized in Nauvoo, in the state of Illinois, and which has existed here without authority of the United States, and in defiance of the federal officials."

4. The request to suspend the governor's proclamation forbidding the muster, drills, and inspection of the militia, permitting in the meantime the ordered annual muster to take place, in order to comply with certain laws of congress and of the territory, was to present the absurdity that the governor's

proclamation could not be carried out unless he permitted the general to violate it.

5. "Mr. Wells" knew as well as the governor did that the people of the territory had been taught to regard "certain private citizens in Utah as superior in authority, not only to the federal official here, but also at Washington." Ever since the governor's proclamation forbidding the muster, "Brigham Young, who claims to be and is called 'president,'<sup>16</sup> on a public occasion and in the presence of thousands of his followers—denounced the federal officials of the territory with bitter vehemence; while another prominent church leader, on like occasion and in the presence of Brigham Young, had questioned the right of the existence of the whole territorial system, called it a relic of colonial barbarism, and had said that none of the federal officials had any right to come to or remain in Utah."

6. "Mr. Wells" in effect asked the governor to aid him and his "turbulent associates" to convince their following that "Mr. Wells" and his associates were "more powerful than the federal government." The governor must "decline." To suspend the operation of his proclamation would be a greater dereliction of duty than not to have issued it. Without authority from the governor "Mr. Wells" in his "assumed capacity" of "lieutenant general" had called the militia to muster, and now virtually asked the governor to ratify the action. "Sir," said he, "I will not do anything in satisfaction of your officious and unwarranted assumption. By the provisions of the organic act, the governor is made the commander in chief of the militia of the territory," and so long as he (Shaffer) held that office a force so important as that of the militia shall not be wielded or controlled in disregard

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16. If there were no other evidence that this letter was written not only to influence, but to mislead the public mind outside of Utah, this inferred use of Brigham Young's official title in the church—"President" Brigham Young, or "Brigham Young, president of the Church of Jesus Christ of Latter-day Saints," would be proof sufficient; for the above use of it by Governor Shaffer is meaningless if he does not imply that the office of "president" means an usurpation of civil authority.

of his authority, "which by law, and by my obligation, it is my plain duty not only to assert, but, if possible, to maintain."

GENERAL WELLS' ANSWER TO GOVERNOR SHAFFER

1. On the question raised by Governor Shaffer that the laws of the United States provided for *one lieutenant general*; that General Sheridan fills that position; that Shaffer will recognize no other—Wells answered that the same law of congress which provides for but one lieutenant general provides for five major generals. Must we therefore conclude there shall be no major generals of militia in the states or territories? The same law provides that there should be eight brigadier generals, are we therefore to conclude that there are to be no brigadier generals in the militia of the states and territories? An act of congress approved July 28th, 1866, limiting the number of certain officers in the army, directed that there should be no new appointments in the adjutant general's department; if these laws respecting officers in the regular army are to be made applicable to militia officers in the territories, how will the governor reconcile this with his recent appointment of W. M. Johns as assistant adjutant general in the militia of Utah? Another law of congress passed in 1844 (section 2) provides that all general officers of the militia "in the territories shall be elected by the people, in such manner as the respective legislatures thereof shall provide." The Utah legislature of 1857, had provided by law that "the lieutenant general of the Utah militia shall be elected by the people,"<sup>17</sup> and Daniel Wells had been so elected—then how could Governor Shaffer appoint P. E. Connor to be major general of the Utah militia without a violation

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17. See *Laws of Utah*—from 1851 to 1857—published 1870, chapter cxxxvii, p. 190. Previous to this, the lieutenant general had been "elected by a majority of votes given of the commissioned officers of said legion, and commissioned by the governor." (See act approved Feb. 5th, 1852, *Acts, Resolutions, etc., of the Legislative Assembly of Utah*, 1852, p. 144). General Wells had been elected lieutenant general under this law, as well as later under the law requiring that such officer be elected by the people.

of both the law of congress—for which his excellency seems “to have such respect”—and the law of the territory?

2. Answering to the charge that General Wells and his “predecessors in the pretended office” of lieutenant general had now for the first time recognized the governor of the territory as “commander in chief of the Utah militia,” the general informed the governor first that he had held the office from the time it had been created by the Utah legislature in 1852; that he therefore had no “predecessors.” It would not be denied that he recognized Brigham Young as commander in chief of the militia of the territory, also Alfred Cumming and his successors “up to the present time,” for which fact—except only in the case of Governor Dawson, who had remained in the territory but thirty days—he had abundance of documentary evidence, and he produces documents from Governor Frank Fuller, and Governor H. S. Harding, in which such recognition had been given.

3. Relative to the charge that the Utah militia was an unlawful military system imported from Illinois, etc., General Wells pointed out that it had been created by legislative enactments under authority granted to the territorial legislature by congress; and even if, as a system, it had been “transported” from Illinois “can no good thing come out of Illinois?”<sup>18</sup> Or is it such a crime to copy after anything emanating from that distinguished state?

4. Relative to the request for the suspension of the governor’s proclamation until the 20th of November, it had been made not to nullify the proclamation or the law, but that the fall musters might be completed—“they having [already] been held in some of the districts”—in order that the request of the war department made through the adjutant general’s office at Washington, D. C., for the annual return of the militia of Utah territory, might be complied with. How this could be construed into an attempt to nullify the laws of

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18. When it is remembered that Governor Shaffer himself was from Illinois the question receives additional point.



congress, escapes the general's penetration. That there is any conflict between the laws of the territory and the laws of congress in this matter is incapable of proof.

5. As to the public meetings, and the utterances there made, General Wells could only say that public officers, "federal officials" included, are supposed to be public servants, so far as their official acts are concerned, and subject to the scrutiny of the people. Everyone under our government has the right to free speech, and to express his opinions concerning the acts of public officers—a right indulged in by all parties.<sup>19</sup>

6. Relative to the governor's practical assertion that there should be no militia in Utah, only such as he should approve, General Wells made answer: "I am of the opinion that the people of the territory, according to the Constitution, have the right to bear arms—that the legislative assembly had the right to organize the militia—that congress had the right to declare that the general officers should be elected by the people in such a manner as the respective legislatures of the states and territories may provide by law; that the governors of the states and territories are the commanders in chief of the militia, the same as the president of the United States is commander in chief of the armies and navies of the United States, with generals and admirals under him commanding; that the military organization of our territory follows that of the federal government more closely, perhaps, than that of any other territory or state in the Union; and that governors and commanders in chief are as much the creatures of law as any other officers, and while they exercise a higher jurisdiction they are as amenable to law as the humblest officer or citizen."<sup>20</sup>

19. It was a strange attitude of mind on the part of Governor Shaffer that made criticism of federal officials, and questioning the Americanism of the territorial system, an offense; and reveals the effect of the governor's military training under General Butler at New Orleans. Commenting on the course of the governor in this militia matter the *Elko Independent* remarked: "Governor Shaffer served on Ben Butler's staff in the south and seems to imagine he is yet in New Orleans." (Copied into *Salt Lake Herald*, of Sept. 23rd, 1870).

20. The correspondence *in extenso* will be found in *Deseret News*, weekly, for the 2nd of Nov., 1870; also in *Millennial Star*, vol. xxxii, pp. 753-5; and 771-773.

## ULTIMATE DISORGANIZATION OF THE NAUVOO LEGION

It is not difficult to determine with whom abides the juster cause and the weight of argument in this correspondence; but, as already stated, the action of Governor Shaffer practically ended the existence of the Nauvoo Legion. A few other items followed, however, in connection with what is here set down that are of historical interest. Under date of 12th of November Daniel H. Wells—still in his capacity of lieutenant general, and ignoring the appointments made by Governor Shaffer (by then deceased)—issued General Orders No. 2, stating that so far as the general musters in various military districts had not already been held, as contemplated in General Orders No. 1, of August 16th—"they are hereby postponed until further orders." And that was the final order given to the legion by its lieutenant general; but congress later determined that it should also cease to exist by law, and accordingly, seventeen years later, in section 27 of what is known as the "Edmunds-Tucker Law," declared "that all laws passed by the so-called 'State of Deseret,' and by the legislative assembly of the territory of Utah, for the organization of the militia thereof, or the creation of the 'Nauvoo Legion,' are hereby annulled and declared of no effect."<sup>21</sup> And so the Nauvoo Legion ceased to exist in law as well as in fact. At the time it went out of existence the legion numbered about 13,000 men, most of whom were efficiently armed, drilled, and equipped, as required by law. Of officers, beside its lieutenant general, there were two major generals, nine brigadier generals, and twenty-five colonels with their respective staffs.

## THE HONORABLE RECORD OF THE NAUVOO LEGION'S SERVICE

Their annual musters, drills, and inspections had con-

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21. See *Compiled Laws of Utah*, 1887, pp. 108-125. This congressional enactment became law without the approval of President Cleveland. The organization of the militia for the territory authorized by the Edmunds-Tucker Law, which provided that all the general officers of the militia should be appointed by the governor, by and with the consent of the council of the legislature, was never put into effect.

tinued through eighteen years, and reports and returns made to the authorities at Washington as required by the act of congress. The legion had been organized at Nauvoo as an "independent body" of the state militia of Illinois, under provisions in the Nauvoo charter, the purpose being to provide a means for the Latter-day Saints to perform such military duties as the law of the state required in a body under the direction of the mayor of Nauvoo—for the ordinance passed under the grant of power in the Nauvoo charter placed the legion at the disposal of the mayor of Nauvoo as well as of the governor of the state—an efficient force to protect the city against the constant threats of invasion from Missouri.<sup>22</sup>

Necessarily the legion was under suspension during the years of the exodus from Illinois and the journey across the plains and mountains to Salt Lake valley; but the settlements effected in that and adjacent valleys, and in the midst of strong tribes of Indians, the need of a military organization was soon felt and naturally the legion as it existed in Nauvoo constituted the frame work of the western organization. This by legislative enactment by the provisional "State of Deseret;" and, as previously detailed, under the authority of that state the legion conducted three successful expeditions against the Indians; and later in the territorial days was a constant means of protection against Indian depredations, its readiness and efficiency being the guarantee of peace to the "Mormon" settlements—western outposts of American civilization. In the troubled years of 1857-8, the legion had successfully halted the approaching army of the United States, until the country could take the second, sober thought respecting Utah affairs, and settle by a Peace Commission what the government had undertaken to settle by an armed expedition. In the southern Indian wars in the years 1865-6-7—the legion rendered both the territory of Utah and the United States efficient service;

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22. See this *History*, ch. xlii.

for while United States troops in sufficient force to suppress the hostile Indians were stationed at Camp Douglas, within two miles of Salt Lake City, and both the Indian agents and the non-“Mormon” governor of the territory petitioned the United States army authorities for the service, they were unfeelingly told that the territorial militia—the Nauvoo Legion—must be depended upon to make the Indians behave. The result was that through three years the Nauvoo Legion conducted campaigns against hostile Indians and preserved the southern settlements of Utah from destruction, at a cost of more than one million five hundred dollars, for which the territory was never reimbursed.<sup>23</sup> All in all the Latter-day Saints have the right to be proud of their Nauvoo Legion, it rendered high and efficient service to them as a community at crucial periods of their history, and really deserved a better fate than befell it—obliteration by unlawful territorial executive action, supplemented by congressional action, questionable in its justice. But subsequent events have proven that the need of a militia body for the special protection of Latter-day Saint communities, either from hostile Indian tribes or threatening, sectarian mobs, no longer existed, and so it was fitting that it should pass away, even if its obsequies were not all that could have been desired.<sup>24</sup> It is gratifying now, however, to note that in the present—1930—order of events an effort is being made to connect all military units of the state of Utah back to the Nauvoo Legion, all which, however, will be considered in a future chapter.

“THE PROVO RIOTS” BY UNITED STATES TROOPS OF THE REGULAR  
ARMY

The next event in Governor Shaffer’s administration

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23. See this *History*, ch. cxxix.

24. The *History of the Nauvoo Legion* is written in detail by Major Richard W. Young, graduate of West Point and some time on the staff of General W. S. Hancock as acting judge advocate. His history of the legion consists of a serial of twelve numbers in *The Contributor*, 1888, vol. ix.



following this militia incident is what is known as the "Provo Riots." Carrying out the plans formulated at Washington for the suppression of "Mormon influence" in Utah, an additional military encampment was made near Provo, known as Camp Rawlins, named after the late secretary of war in the Grant cabinet. On the night of the 22nd of September, a party of about forty soldiers between the hours of twelve and two o'clock in the night made a raid upon the city of Provo. Before the rioters could be stayed they broke into the residence of City Alderman, William Miller, firing several shots into his bedroom, smashed in doors, and windows and took him prisoner. They broke in the doors and windows and tore down the signs of some of the stores on the principal business street of the town. They surrounded the residence of City Councilman A. F. McDonald, who was absent from home, and demolished every outside door and window of the first floor, sacked the house, scattering the furniture and bedding over the yards and sidewalks. Alderman E. F. Sheets' house received about the same treatment, and an effort was made to burn the church in the central portion of the town. "The raiders," said Mayor A. O. Smoot's telegraphic report to the Salt Lake press, "were armed with United States needle guns, with bayonets and revolvers, and during their rioting they captured several citizens, parading them through the streets, some of whom were severely beaten and bayoneted before they could make their escape."<sup>25</sup> The rioters were quelled by the assembling of a number of citizens and the firing of a few shots, after which the soldiers fled in the direction of Camp Rawlins.

#### "CAUSE" OF THE RIOTS

There was no justification for this procedure on the part of the rioters except the refusal of Alderman Miller to rent to

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25. *Salt Lake Herald* of Sept. 24th, 1870, also *Millennial Star*, vol. xxxii, pp. 662-3.

the soldiers a hall for the purpose of holding a party; that some of the bishops of Provo had counseled their young men and young women not to associate with the soldiers of the camp; also that Councilman A. F. McDonald had refused to sell them whiskey.<sup>26</sup> The spirit of the affair may be judged by the shouting and declarations made in the progress of the riot, preserved in the depositions of the citizens made at the time before the proper authorities. The rioters swore "they would use up the four 'white houses'—*viz.* McDonald's, Sheets', Mayor Smoot's, and Brigham Young's"; that they had come "to run this town"—Provo. "They shouted as they went along the streets 'come out you G—d d—d Mormons and Mountain Meadow Massacre-ers,'" and further using indecent language and threatening to kill the "Mormons" and take their women from them.<sup>27</sup> They said the 'Mormons' had run this territory long enough, "that they [the "Mormons"] had not got volunteers in the territory now, but had Uncle Sam's men, who were going to run this town as they G—d d—d pleased. This had been Utah territory, but now it was Uncle Sam's territory, and they were going to run it, *as they had men to back them.*"<sup>28</sup> There was some shooting in the streets by the soldiers, and one of their number, by the name of Haws, during the evening, was shot in the shoulder.

Prompt action was taken by the military authorities at Camp Rawlins and Camp Douglas and from the headquarters of the Platte in making an investigation of the riots. Major Osborne, in command at Camp Rawlins, promptly expressed regret for the occurrence to Mayor Smoot.<sup>29</sup> In the early morning following the night of the riot one of the

26. Affidavit of Alderman William Miller *Deseret News*, weekly, of September 28 and Oct. 5th, 1870. All the affidavits covering this event,—sixteen in all—will be found in the same impressions of the *News*; also in *Millennial Star*, vol. xxxii, beginning at p. 63, *et seq.*

27. *Ibid.* Deposition of Thomas Fuller.

28. Deposition of Abram Holladay; also deposition of Ezra Oakley, *Ibid.*

29. Smoot's dispatch to the Salt Lake press, 23rd of Sept., *Millennial Star*, vol. xxxii, p. 663.

perpetrators was in the hands of the city marshal, and several others on the same day were prisoners in the camp, "subject to any demand of the civil authorities." Indeed on the 24th, Major Osborne offered to turn over to the civil authorities all of the prisoners then in custody at the camp, but this offer was declined—for reasons to be stated later—and the party held by the city marshal was turned over to the military authorities for safekeeping.

COMMENDABLE PROMPTNESS OF ACTION BY UNITED STATES ARMY  
AUTHORITIES

As soon as the news of the riot was received at Salt Lake City, General R. De Trobriand at once telegraphed it to General Argur, commanding the Department of the Platte, with the memorandum that as Camp Rawlins was not under his (Trobriand's) command he could only forward the dispatch as received. The next evening General Trobriand was ordered from department headquarters to proceed to Provo to conduct an investigation of the disturbance. This order was promptly complied with and on the evening of the 25th of September the general had conferences with both Major Osborne and leading citizens of Provo, and continued for a day or two a concurrent investigation with Mayor Smoot and other civil authorities; and also conducted a court martial inquiry at Camp Rawlins. On the 26th General Trobriand renewed the offer of Major Osborne to turn over the men implicated in the riot to the civil authorities for trial and punishment; but this offer was again declined for the reason that a recent ruling by one of the United States judges for Utah had withdrawn criminal cases from the jurisdiction of the probate courts; and should the city of Provo or Utah county take charge of the prisoners, they would doubtless be immediately released on a writ of *habeas corpus* by the United States district court, so that an attempt to punish the rioters by the civil jurisdiction would be merely a farcical proceeding under the judicial regime then prevailing in Utah. Nor is this merely

the current prejudiced "Mormon" view of the matter. General De Trobriand in his correspondence with Governor Shaffer, to be referred to presently, mentions the matter and strongly intimates his belief that the manifest desire of Governor Shaffer to have the rioters turned over to the civil authorities was for no other purpose than that they might be released by *habeas corpus* proceedings—to such a pass had judicial affairs come in Utah. The passage from De Trobriand on the point follows:

"Perhaps you would like to know the cause of this persistent refusal of the civil authorities at Provo to take charge of the prisoners. Two reasons were explained to me: the first one that there is no jail in the city; the second that a legal decision of recent date having withdrawn the criminal cases from the jurisdiction of the probate court, the prisoners if taken in custody by the city marshal, would soon be released on a writ of *habeas corpus*. The insistence of your excellency to have the prisoners in the hands of the civil authorities at Provo could not be in prevision of such contingency. Oh! certainly not! Now you may see how the matter stands: you ask me solemnly to deliver up the prisoners to the civil authorities. The civil authorities persistently decline to take charge of them. What can we do? Keep them, of course, and for that I have another reason still more conclusive, and that is, that an order to that effect has been received from my department commander."<sup>30</sup>

SHARP LETTERS BETWEEN GOVERNOR SHAFFER AND GENERAL  
R. DE TROBRIAND

The Provo incident resulted in a sharp exchange of letters between Governor Shaffer and General R. De Trobriand, commanding at Camp Douglas. After five days had passed from the time of the rioting, Governor Shaffer addressed a letter to General De Trobriand which was published in the *Deseret Evening News*, on the very day that the general returned from his Provo investigations, and which he saw for the first time when it appeared in the aforesaid paper. The governor announced that so far as he could learn no action had been taken on the part of the military to punish the soldiers, nor any report made public by the officers in com-

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30. *Deseret News*, Oct. 5th, 1870, p. 408, where the letter of De Trobriand will be found in full.



mand stating all the facts. The governor had waited these five days in the hope that General De Trobriand would take such action in the premises as would convince the citizens that the soldiery was stationed at Provo "to protect and not destroy." Not hearing from the military authorities on this subject, and "feeling that the outrage was one that should be followed by swift and certain punishment," he now demanded that all the offenders be given up to the civil authorities that he might see that they were properly tried and if convicted punished. The governor thus insisted because "much feeling exists in this community against the federal officers and soldiers growing out of this transaction, and that feeling is extended to all the federal officers." As governor he was sworn to execute the law, and in pursuance of that duty he would have as high regard "for the property and persons of Mormons as of any other class." The governor grew eloquent on this point. "In this case the perpetrators of the outrages are men employed by the government and paid for their services to be the guardians of the rights and liberties of those among whom they are stationed, coming here at the expense of the government to aid and assist the civil authorities in securing to all men their rights, in place of which they have taken it upon themselves to execute all manner of violence and mob law to satisfy their own individual and personal grievances. If the United States soldiery cannot fulfill the high object they were sent here for, then far better, for the sake of the credit of the nation and the American armies, *we be let alone to ourselves.*"

#### GENERAL DE TROBRIAND'S ANSWER

In his reply General De Trobriand had the governor at his mercy: first in that the governor had made public the above named letter before it had reached the hands of the general, which of course would justify the general in replying in a like public manner; second, in that the letter was addressed to the wrong military commander, since Camp Rawlins was not

under the jurisdiction of the general commanding at Camp Douglas, all posts in the Department of the Platte being independent from each other, their respective commanders communicating directly with department headquarters, hence Major Osborne and not General De Trobriand would have been the proper officer to complain to if any complaint was to be made; third, in that the supposed neglect of prompt investigation was on the part of his excellency instead of the military officers who, as already detailed, had been prompt to take action in the matter, although the governor seemed not to be aware of what had taken place in that kind, and General De Trobriand informed his excellency that he was under no obligation to keep him informed as to what was occurring in his (Shaffer's) territory. The general could refuse to deliver up the prisoners to the governor, because he had received orders from the department headquarters to keep them in military custody.<sup>31</sup> Answering the governor's suggestion that if the United States soldiery could not fulfill the high object for which they were sent to Provo and to Utah—"to protect and not destroy"—"then better, far better, for the sake of the credit of the nation and the American armies, *we be let alone to ourselves*"—to this, and his answer presents the whole situation in Utah at that time, the general said:

"If it was not too much of curiosity, I would like to know if the real object of those who caused the 'United States soldiery,' as you say, to be sent to Provo, was not somewhat different from the high object so eloquently set forth by your excellency. But as any question on this subject would remain unanswered, I will only refer to your last words, (that) '*we be let alone to ourselves.*' By all means, sir, if you wish it. You know by this time that we of the army are not of a meddling temper, we are no politicians; we don't belong to any ring; we have no interest in any clique, and we don't share in your spoils. Our personal ambition is generally limited to the honest and patriotic per-

31. Subsequently an investigation was made of this outrage at the headquarters of the Department of the Platte; the responsibility for it was fixed upon the officers and soldiers of those companies present for duty at that date; and the amount of damages fixed upon by the mayor of Provo to the injured parties was ordered to be paid, the order to take effect immediately. (Condensed from the *Omaha Herald*, quoted in *Millennial Star*, vol. xxxii, p. 816).

formance of our duties for our own satisfaction and the best interests of the government. Wherever we are ordered to go, we go, but we have no voice in the matter, and if we are sent to Provo, or anywhere else, it is not, as you are aware, on our application, but by the influential request of somebody else, generally in compliance with the demand of the governor.

*To be let alone!* Why, sir, the military itself, does not wish any better, if our soldiers were let alone instead of being poisoned physically with bad whiskey and morally with bad influences, there would be no troubles with them.

That you be let alone to yourselves?—‘you,’ meaning of course, the people of this territory, including its governor, its churches, its militia, its legislature, its judiciary, its municipality, etc., etc.—would certainly be a great blessing to all, and I am happy to agree with you on that point. Then why not try it? and if the presence of the ‘United States soldiery’ interferes in any way with the harmonious workings of your ‘happy family,’ a single order from Washington may settle the question. Rest assured, sir, that in such a case we will all obey without hesitation or murmur, letting you alone to the full enjoyment of that popularity which so justly distinguishes your administration and surrounds your person in this territory of Utah.”<sup>32</sup>

The general was severely criticised in some quarters for his letter to Governor Shaffer; but the blunders and injustice and hypocrisy of the governor’s letter in which he sought to make it appear that he was the active man in guarding the rights of the people and the peace of Utah, and the general the inert one, readily suggests the circumstances that justified General De Trobriand’s form of resentment of the injustice done to him by the governor’s course. From the first the general had refused to be drawn into the political schemes and plots of the Utah anti-“Mormon” “ring,” greatly to their annoyance, and they were bent upon doing all in their power to discredit him with the administration, and Governor Shaffer’s published letter was doubtless a direct effort for the achievement of that end.<sup>33</sup>

32. See *Deseret News*, weekly, of Oct. 5th, 1870, where both letters will be found *in extenso*.

33. The *Omaha Herald* thus commented upon the circumstance: “The recent outrages of the United States soldiery upon the unoffending people of Provo, Utah, were the result of a drunken mob for which no respectable officer is in any degree responsible. Governor Shaffer seizes upon the opportunity to fix responsibility for it upon General De Trobriand for the double object of showing a regard for decency and to injure that excellent gentleman and soldier in public estimation. In the opinion of the Colfax

## GENERAL SHERMAN AND PARTY IN UTAH

In the midst of these stirring events Generals Sherman and Schofield, and some members of their respective staffs arrived in Salt Lake City, from California and remained for several days. The party called upon President Young and several other church leaders at President Young's office. "Both parties," says Wilford Woodruff, who was present and journalized the visit, "were quite sociable."<sup>34</sup> One evening during General Sherman's visit the band from Camp Douglas serenaded him and the crowd which gathered in front of the Townsend House clamored loudly for a speech; but neither the calls from the crowd nor the pleadings in a private interview could move the general to consent to make a speech, and most of the crowd dispersed.

## "HARD TIMES" SONG—THE GENERAL'S RESPONSE

About an hour afterwards—ten p. m.—the Parowan choir, then in attendance upon the semi-annual conference at Salt Lake City, went to the hotel and before its main entrance sang several pieces. Then the cry was again raised for a speech. "No, no," the general called from the veranda, "I would rather hear the girls sing." The choir then rendered very effectively "Hard Times Come Again No More." General Sherman could not resist the appeal in this heart-song of a people who had made it theirs by the "hard times" through which they had passed, and he came forward upon the veranda of the hotel "and in a few well chosen words

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missionaries the general is too much disposed to look with favor upon the merits of the Mormon people, and with contempt upon the latest raid upon their peace. This is the sweet milk in the cocoanut." (*Omaha Herald* of Oct. 1st, 1870). The *Salt Lake Herald* commenting on the correspondence said: "We have no need to defend General De Trobriand, who was the special object of the last attack by his excellency, Governor Shaffer. He is amply able to defend himself, but we arraign Governor Shaffer at the bar of the nation for flagrant abuse of his official position; and ask the president of the United States to remove from office a man who seeks persistently to drive a peaceable people into rebellion, and then to cover over his own acts endeavors to cast blame on an officer whose name is a synonym for bravery, efficiency, and gentlemanly bearing." (*Salt Lake Herald* of October 1st, 1870).

34. Woodruff's *Journal*, entry for Oct. 3rd, 1870.



acknowledged the compliment paid to him by the singers;" but he disclaimed all intention of making a speech. "He had heard that the singers were from Parowan; he did not know Parowan, only by having seen it on a map. He was gratified to behold the beautiful homes which the people, while facing difficulties and trials of the severest kind, had built up in the desert, and his sincere wish was that they might live to enjoy them, and that to them 'hard times would indeed come again no more.' "<sup>35</sup>

#### DEATH OF GOVERNOR SHAFFER

But little else of importance happened during the administration of Governor Shaffer. The disease of which he was really dying when he received the appointment which sent him to Utah—consumption—demanded its toll of death as the autumn leaves fell, and on the last day of October the governor died.<sup>36</sup>

The most charitable view that can be taken of Governor Shaffer and his unfortunate term of office in Utah is that he was too much of a soldier to fit into the place of a civil office such as governor of a territory; for he sought to exercise the necessary arbitrary spirit of a military officer in exercising his duties as a civil governor. This, with the peevishness of ill health and his unfortunate anti-"Mormon" virus of bitter prejudice before his arrival in Utah, accounts for much in the career of Governor Shaffer in Utah.

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35. *Deseret News*, weekly, of Oct. 12th, 1870.

36. The body of the governor was sent to Illinois for interment. He was given processional honors in conveying the body to the railroad depot for transit, under the auspices of the Masonic fraternity. Although the people of Utah were much offended at the course pursued by Governor Shaffer and had no reason to regard him as their friend, still flags were placed at half mast from the general co-operative store, from the *Deseret News*, and other buildings, and the principal stores and places of business were closed during the ceremonies. (*Deseret News*, weekly, of Nov. 2nd and 9th, 1870).

## CHAPTER CXXXVIII

### WOULD-BE-GOVERNORS OF UTAH—"WOODEN-GUN REBELLION"— RIVAL CELEBRATIONS OF THE FOURTH OF JULY

IT had been known for some time that Governor Shaffer could not last many months, and meantime a number of aspirants in Utah were waiting for his place. Quite a number of the Utah "ring" were willing to be considered as more than "receptive candidates;" and all were greatly annoyed by the sudden telegraphic appointment, on the very day of the Shaffer obsequies, of Vernon H. Vaughan to be governor of Utah. This created a vacancy in the secretaryship of the territory, and George S. Black, who had come to Utah in the capacity of private secretary to Governor Shaffer, was appointed to fill the vacancy at the same time that Vaughan was appointed to be governor.<sup>1</sup>

#### A GROSS MISREPRESENTATION OF THE PEOPLE OF UTAH

On the evening of his appointment a band and a few friends called upon the newly appointed governor and serenaded him; and to the company Governor Vaughan made a brief speech in which he eulogized his predecessor and pledged himself to deal justly in the office to which he had been so suddenly appointed. As this took place on the evening of the day that processional honors had been paid to the late governor, in placing his body on the train for transit to Illinois, anti-"Mormon" malice reported and it was published in the *Omaha Republican*, that—

"On the evening of the funeral ceremonies of the late governor, J. W. Shaffer, of Utah, and while his remains lay in his dwelling, surrounded by his family and mourning friends, (his house being the next house to the residence of the new governor, and both enclosed in the same yard), a large crowd of Mormons, headed by the Mormon brass band, marched up the street and filed into the yard, and with cheers

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1. See dispatch in the *Deseret Evening News*, weekly, of November 9th, 1870.

and exultations serenaded the new governor, who came out and delivered to them a harangue, in which he promised to be their friend, and to see that they had all their rights and privileges."<sup>2</sup>

Each one of these statements is specifically denied by the *News* editorial, except the fact that a band that evening serenaded the governor, but it was after the departure of Shaffer's remains.

The *Omaha Herald* suggested that the appointment of these two young men was merely temporary and made under the felt necessity of having executive officers on the ground to act immediately. And this was the view taken of the appointments throughout the country, and especially by the "ring" in Utah, and for a time there was quite a general speculation as to the next executive for Utah.

The *Chicago Post* was particularly severe upon the appointment of Vaughan and gave the following description of him:

"Vincent [Vernon H.] Vaughan is the new governor of Utah. His qualifications are as follows: He was a rebel throughout the war; (it will be remembered that he was from Alabama); engaged in a couple of duels after the war; his name is euphonious enough for a ten cent novel; his record is sufficiently like Brigham Young's to render him an easy prey to the latter; he is 'young' himself, and the United States government in Utah is in a fizzled condition. Perhaps it would have been as well not to appoint Vincent Vaughan, Esquire."<sup>3</sup>

The *New York World* had the following passage on the Utah governorship:

"The Hon. John Covode passed through Chicago on Friday [Nov. 11], returning from California and Salt Lake. He says that the recent appointment of Vaughan as governor of Utah won't answer, because the position requires a man who is firm, sober, and dignified, and who will properly support the government and the judiciary, so ably represented there by Judge McKean. He thinks the appointment of John Covode would be the best appointment that could be made."<sup>4</sup>

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2. See *Deseret News*, weekly, of 16th of Nov., 1870, p. 478, which copies the *Omaha Republican* article mentioned above.

3. The *Post* article is quoted in full, *Millennial Star*, vol. xxxii, p. 760.

4. *Ibid.*

Mr. Shelby M. Cullom, member of congress, he of the anti-“Mormon” Cullom bill fame, had been recently defeated for reelection from the eighth district of Illinois, and for a time his name was connected with the appointment to the Utah governorship. General Silas A. Strickland of Nebraska was also, for a time, prominently named for the place, but Senator Thayer, his principal supporter, failing of reelection, Strickland’s name was withdrawn though supported by the *Omaha Herald* as well as by Senator Thayer.<sup>5</sup> Press speculation and comment on Utah appointments about this time was widespread in the east. “There are several interested individuals who hope the appointment of Governor Vaughan is only a temporary one,” said the *Deseret News* editorially. “We understand Mr. Cullom \* \* \* hopes the appointment is only temporary. \* \* \* He would like, we are told, to be governor of Utah.”<sup>6</sup> A Washington dispatch to the *Salt Lake Herald* dated December 3rd, said:

“There is a strong feeling here against the confirmation of Vaughan as governor of Utah territory, and an effort will be made to induce the president to withdraw his name. The president is urged to adopt a firm policy towards the Mormons, and to force them into obedience to the United States laws. He is advised to appoint a man who will govern Utah with a stern hand, and in this connection certain prominent Pennsylvania politicians are endeavoring to secure the appointment of Shelby M. Cullom, at present chairman of the house committee on territories, and author of a very stringent anti-Mormon bill, introduced in the house last session. Appearances indicate that the president intends to yield to these suggestions, and withdraw Vaughan’s name; and adopt a more stringent policy towards the Mormons.”<sup>7</sup>

Among the Utah “ringites” who hoped for the appointment was O. J. Hollister, collector of internal revenue for Utah, and brother-in-law of Vice President Colfax; also General P. E. Connor, who based his hopes upon President Grant’s regard for military men.<sup>8</sup> Finally, however, George

5. *Springfield Republican* of Jan. 27th, 1871; also *Deseret News* of Nov. 16th, 1870, p. 484.

6. *Deseret News*, weekly, of Nov. 16th, 1870.

7. *Salt Lake Herald* of Dec. 4th, 1870, vol. i, No. 150.

8. *Deseret News*, weekly, of Nov. 16th, 1870.



L. Woods, whose four year term as governor of Oregon had recently ended, was appointed to fill the position. His appointment was made in January, but he did not take the oath of office until March 10th, and about six weeks later arrived in Salt Lake City. Woods was an active Republican in Oregon, and was chosen a Lincoln presidential elector from that state in 1864. In 1866 he was elected governor of Oregon, the term running four years. "Utah has never had a governor from whom we could reasonably hope for so much as from Governor Woods," said the *Springfield* (Mass). *Republican*.<sup>9</sup> He was "a Missourian by birth," says Bancroft, "a pronounced anti-Mormon; \* \* \* had accumulated and lost a considerable fortune. He was a man who, though by no means of the highest, purest, morality himself, was, it seems, exceedingly jealous for the morality of the nation."<sup>10</sup>

I have been at pains to write out the account of this scramble for federal appointments in Utah, and have sketched briefly the characters of the horde of office seekers for political positions in the territory that thronged the incoming of President Grant's administration, 1869-70, in order that I may call attention to the heavy political burdens that the Latter-day Saints—then comprising almost the entire population of Utah—had to bear, arising from this evil of withholding from them the American right of local self-government; and imposing upon them the "carpetbag" rule that is always a possibility, and nearly always a reality under the un-American territorial form of government. This evil, as seen clearly at this period, and more that shall befall the people, will remain to plague them yet through many years—for more than a quarter of a century, and even plague them more severely than in the period here treated.

#### THE "WOODEN-GUN REBELLION"

It was during Governor Vaughan's brief administration

9. Impression of Jan. 27th, 1871; quoted also in *Millennial Star*, vol. xxxiii, p. 112.

10. Bancroft's *History of Utah*, pp. 661-2.

that what is derisively called in our annals the "wooden-gun rebellion," occurred. The circumstances are these: The third regiment band of the Utah militia—Nauvoo Legion,—in anticipation of the fall musters had sent east for new instruments, and on their arrival, notwithstanding the interdiction of the late Governor Shaffer (if it was thought of at all) against all "musters, drills, or gatherings of the militia of the territory of Utah, and all gatherings of any nature, kind, or description of armed persons within the territory of Utah," except by his orders, invited the members of the regiment to assemble at the twentieth ward, Salt Lake City, school-house, to hear the band and accompany it by a drill. The regiment responded to this invitation of their band; they did not assemble by order of their colonel or other officers: but when assembled some of the latter took command and directed the movements of the several companies of the regiment in the drill. This on the 21st of November, 1870. Hostile and ultra anti-"Mormon" federal officials heard of this "drill in defiance of the late governor's prohibitions," and hastened to the scene, with the result that warrants were issued for the arrest of eight of the principal officers<sup>11</sup> at the drill, on the charge of "treason and rebellion." At the preliminary hearing before Associate Justice C. M. Hawley, the two witnesses examined varied in their estimate of the number present. "One hundred" said the first witness, Mr. R. Keys; "three hundred," said Mr. Black, secretary of the territory.

It appears from the evidence that the men and officers were in uniform; that they carried arms; that they were drilling; that the drill was accompanied with martial music; that they carried an American flag; that from one to two hundred spectators were present, chiefly women and children;

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11. Their names were George M. Ottinger, for a long time chief of the fire department of Salt Lake City; Andrew Burt, for some time chief of police of Salt Lake City, and an efficient officer; Charles R. Savage, one of the most genial and inoffensive men that ever lived in the west, and for many years a member of the "Old Folks Committee," an organization which provides a free annual excursion and entertainment for the old folks of the community; James Fennemore, Archibald Livingston, Charles Livingston, W. G. Philips, and John C. Graham.

that the drill occurred between the hours of ten and twelve noon; that there was no drinking, nor rowdyism, nor profanity; at the end of the drill the companies marched off in different directions.

The statute invoked for the arrest of these men was section 2 of an act passed by congress, "to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels" and for other purposes, approved July 17th, 1862. and which reads as follows:

"Sec. 2. And be it further enacted, That if any person shall hereafter incite, set on foot, assist, or engage in any rebellion or insurrection against the authority of the United States, or the laws thereof, or shall give aid or comfort thereto, or shall engage in, or give aid and comfort to any such existing rebellion or insurrection, and be convicted thereof, such person shall be punished by imprisonment for a period not exceeding ten years; or by a fine not exceeding ten thousand dollars, *and by the liberation of all his slaves, if any he have*; or by both of said punishments, at the discretion of the court."

The prosecuting officer when reading this section of the statute and coming to the penalties prescribed halted at the word "dollars." To go on with the rest of the penalty, "*and by the liberation of his slaves, if any he have*," revealed only too clearly the absurdity of seeking to apply this statute to the above case; but the prosecutor concluded his argument, the court took the case under advisement and later gave an extended and "learned" opinion upon the case, and finally bound the militia officers over to await the action of the grand jury, fixing the bond in the case of higher grade officers at \$5,000 and to the lesser grade at \$2,000.

The "rebels" and "traitors" during their preliminary hearings, and until admitted to bail were consigned by the United States marshal to the military authorities at Camp Douglas, where General Morrow, in the temporary absence of General R. De Trobriand, was in command. The general merely required that the "rebels" give their word of honor not to leave the precincts of the camp in a clandestine manner, whereupon the full liberty of the camp was accorded

them, with the privilege of an occasional visit to the city if they desired it. The house of one of the officers was assigned to them as their "prison," and here they lived in contentment, their friends calling upon them at will. Many merchants on Main street, both "Mormon" and non-"Mormon," sent them all sorts of delicacies for their table, while the camp library, to which they were given free access, afforded them the pleasant enjoyment of reading. Finally they were admitted to bail to appear before the grand jury, but it can be readily understood that no grand jury would seriously consider such a case and the "rebels" were never indicted.

During the preliminary examination Mr. Keys, one of the witnesses for the prosecution—of course no others were examined—stated that in conversation with Mr. Savage—one of the "rebel officers"—he had remarked upon the youthfulness of the "boys" composing the band. "Yes," answered Mr. Savage, "that band a year ago could not play a note." "*There were a lot of boys with wooden guns present, and Mr. Savage said they were going to have a drill,*" said Mr. Keys. That fixed the title of this whole affair, it was henceforth episodical *opera bouffe*, and no incident of the serious historical drama being worked out in Utah.

Grave historians have tried to read into the absurd lines of it constitutional questions, and to have it regarded as a serious effort on the part of Utah military authorities to test the validity of a dead governor's (Shaffer's) decree as against the territorial militia law, and the constitutional right of the people to bear arms, and have "a well regulated militia for their protection." But no one knowing the lieutenant general of the legion and the personnel of his staff, can think that they would undertake a test of these questions in a manner so absurd. It was an informal gathering of militia men in uniform and with guns, it is true, but all living in one ward,—neighbors,—and met for a few hours amusement with a juvenile band, and with some boys present with wooden guns, doubtless to mimic the drill of the older men



and to give a name to the episode—"wooden-gun rebellion;" and such it was, truly, in the sense of being harmless, and without design of rebellion, but made comical by the arrest of those peaceful men—the officers of the regiment. The desperate earnestness of the prosecuting attorney, General Maxwell,<sup>12</sup> appointed for the occasion, in the temporary absence of the United States attorney; the long and learned opinion of the court, Judge Hawley, which was published in all its solemn length, and, literally, the yards of angry editorial written at the time, only add piquancy to the extravaganza.<sup>13</sup>

#### THE DIVIDED FOURTH OF JULY CELEBRATION OF 1871

In July following there occurred still another military episode which holds in crystallized form the petty tyranny of the times, and the injustice and annoyance forced upon the Latter-day Saints of Utah. As noted in these pages, from time to time, the Latter-day Saints, almost from the first year of their advent into the Salt Lake valley, not only in Salt Lake City, but throughout their settlements, had celebrated the anniversary of American independence. It was their intention to do so in Salt Lake City, as elsewhere throughout the territory, in this year of 1871, notwithstanding the many irritations to which they had been of late subjected by the newly arrived federal officials. Accordingly early in June the city council appointed the usual committee to make the arrangements for the celebration of the approaching an-

12. General George R. Maxwell was registrar of the land office. He was a Civil War veteran, from Michigan, many times wounded while in the service, therefore respected, despite his half-insane hatred of "Mormons" and all things "Mormon." A correspondent of the *Cincinnati Commercial* described him a little later as a man "with a strong, dissipated face, \* \* \* looking as if he had overslept for a week and got up mad"—this, it is not unfair to say, was his habitual appearance. Maxwell entered the Union army when seventeen years of age, and at twenty-one was a brigadier general. During the war he had both legs broken, his right arm fractured, lost three fingers of his left hand by a saber cut, and had his collar bone broken by grape shot, besides several flesh wounds. (Wood's *Recollections, Ms.*, pp. 39-40, quoted by Bancroft, *History of Utah*, p. 665, note).

13. The preliminary examination, the learned opinion of the court, the reception and treatment of the "rebel" officers at Camp Douglas and several editorials on this subject will be found in the *Deseret News*, weekly, of Nov. 30th and Dec. 7th, 1870; also in the *Salt Lake Herald* of the same period.

niversary. The committees of arrangements usually appointed by the city council had never made these celebrations exclusively "Mormon affairs," but had recognized the propriety of giving a chance to the citizens of the municipality, irrespective of church affiliation, an opportunity to participate in the celebration of the anniversary of this all-American's day—the American patriot's day of days. And so in this year of 1871 there was no likelihood that they would depart from this custom.

Early in June the non-"Mormon" residents of Salt Lake City took the matter in hand to formulate a celebration on their own account. Before much progress had been made on either side, however, it was proposed that a united celebration be held that would be more worthy the occasion than a divided effort could possibly be. Accordingly a committee from the non-"Mormon" citizens met with part of the committee appointed by the city council to consider the feasibility of a united celebration. There was a free exchange of views, but the members from the city council's committee, not feeling authorized to enter into arrangements of a final nature, resolutions were drawn up, and signed by George L. Woods, governor of the territory, and George R. Maxwell, chairman and secretary respectively of the non-"Mormon" citizens' committee, asking the city council to authorize their present committee, or to appoint a new one, to make final arrangement for "a single, harmonious celebration of the coming fourth of July, irrespective of any and all action heretofore taken by either of the aforesaid committees." To this the city council made reply saying that according to custom the city council had appointed a committee of arrangements, "who were deemed by them ample in number and fully competent in ability for the occasion;" that considerable progress had been made in providing for the event "without any apparent want of wisdom or energy to provide for the entire community in its most liberal demands and in which

all are invited to participate." It was therefore "*resolved* that it was unnecessary to set aside present arrangements."

The non-"Mormons" were indignant, and so preparations were set on foot for a rival celebration. All the miners from outlying camps were invited to come to the "Gentile celebration" of the fourth of July in Salt Lake City. A like invitation was sent to the non-"Mormons" of Corinne, Ogden, and other places. Through the columns of the *Salt Lake Tribune*, which by now had come into existence, the non-"Mormons" announced their determination "to maintain their independence of priestly dictation" as well as to celebrate the fourth of July.

On the 22nd of June, Daniel H. Wells, in his capacity of lieutenant general of the Utah militia, ordered out the martial brass bands under their respective leaders; one company of artillery with ordnance to fire salutes; one company of cavalry; three companies of infantry. "The detail will perform such service during the day as may be assigned to it by the committee of arrangements. Good order is strictly enjoined. No fast riding is allowed within the limits of the city, by order,"<sup>14</sup> etc. Eight days later Territorial Secretary George A. Black, who during the temporary absence of Governor George L. Woods, was acting governor of the territory, forbade the carrying out of the order of General Wells, holding it to be in violation of the proclamation of the late Governor J. W. Shaffer; and further, he, George A. Black, "ordered and commanded" that "all persons except United States troops desist from participating in any military drill, muster, or parade of any kind, from and after this date, or until it shall be otherwise ordered or commanded by the governor,"<sup>15</sup> etc. In anticipation of resistance to his orders, the acting governor called upon General De Trobriand to be present in Salt Lake City with United States troops and to

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14. The Order—Special, No. 1—will be found in *Millennial Star*, vol. xxxiii, pp. 460-1.

15. The orders of Black including copies of former Governor Shaffer's proclamation will be found in *Salt Lake Herald*, daily, vol. ii, No. 21.

fire upon the companies of militia if they attempted to participate in the parade as directed to do by General Wells.<sup>16</sup> General De Trobriand assured the acting governor that he would give the necessary order for the presence of the United States troops, that he would draw them up in line, and if the Utah militia attempted to join the parade he would call upon his troops to "take aim," *but the order to fire must be given by the acting governor!* After this Mr. Black did not appear so fixed in his determination to carry his orders to such extremes. More temperate councils prevailed on both sides. The companies of the militia ordered into the parade, save one, marched in the procession but without arms, the bands marched and played, and the artillery were out and fired salutes; United States troops from Camp Douglas were present, but only as spectators and the episode, which for a time threatened the peace of the occasion, and menaced even the peace of the territory, passed without violence, but left its record in the annals of the times to illustrate, as before remarked, the policy of petty tyranny practiced in Utah toward the Latter-day Saint community.

#### MISREPRESENTATION OF THE FOURTH OF JULY CELEBRATION

Correcting some misrepresentations of this incident made by a Salt Lake City correspondent to the *New York Herald*, an editorial in the *Salt Lake Herald* said:

"There was no 'rebellion,' as there was no 'backing-down.' The militia were ordered out to celebrate the national anniversary, and they came. As the acting governor 'backed-down' and concluded to make no arrests on that day—generous man—(!) so, to avoid the appearance of trouble, the militia marched without their arms; but they marched in their allotted places except one company, whose commander failed to appear in time, though the men were on the ground. The artillery were out and fired their salutes. Why were they not arrested?"<sup>17</sup>

Governor Woods' representation of this episode or rather his misrepresentation of it, is as follows:

16. Tullidge's *History of Salt Lake City*, p. 503.

17. *Salt Lake Herald*, vol. ii, No. 31; also copied into *Millennial Star*, vol. xxxiii, p. 502.



"My first conflict with the church (?) occurred July 4th, 1871. The organic act of the territory made the governor commander in chief of the militia. The Mormon legislature, prior to that time, usurped that authority, and invested it in Daniel H. Wells, the third (officer) in the church. On July 1st, 1871, Wells issued an order as commander in chief to the militia of the territory to assemble at Salt Lake City July 4th to participate in the celebration. I resented this usurpation, and forbade them to assemble, but my prohibition was disregarded. Thereupon I ordered to the rendezvous three companies of infantry, one of cavalry, and a battery of artillery, [these were United States troops]; and dispersed them at the point of the bayonet. This practically ended the Nauvoo Legion."<sup>18</sup>

The author quotes the above passage from Woods' *Recollections, Ms.* When it is considered that Governor George L. Woods was not in the territory when the incident of the militia marching in the 4th of July parade happened, and that such steps as were taken in the matter were taken by Secretary Black as acting governor, the "recollections" of Mr. Woods must be regarded as somewhat at fault. But this brief excerpt writes down the spirit of braggadocio of the officers sent to govern Utah in those days, and who irritated the people by the petty manifestations of their arrogance. The statement above that the "Mormon" legislature had usurped the authority of the governor of the territory as commander in chief of the militia, and vested it in Daniel H. Wells, or the lieutenant general of the militia, is utterly untrue; as is also a statement of Stenhouse, to the effect that the governors who succeeded Alfred Cumming had asked to be properly acknowledged commanders in chief of the militia, but the legislators, by purposed delay and circumlocution passed over session after session any action that would disturb the organization of the militia.<sup>19</sup> The fact is that the law of 1857, in force up to the time of Shaffer, Black, Woods and Stenhouse, recognized the governor, as commander in chief by providing that, "The militia of the territory of Utah, under the governor of the territory as commander in chief,

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18. Bancroft's *History of Utah*, p. 662.

19. *Rocky Mountain Saints*, p. 677.

shall be commanded by a lieutenant general, formed into an independent military body," etc.<sup>20</sup>

Both parties held what each regarded as the very greatest celebration of the anniversary of the fourth of July ever held in the territory. The respective processions were augmented by processions from outside places, Ogden and the settlements of Davis county swelling the "Mormon" procession; while the mining camps and Corinne materially added to the features and to the length of the non-"Mormon" procession. Naturally, on account of having such great odds in population, the "Mormon" procession outclassed its rival. The public meetings were held in the "Mormon" tabernacle and the liberal institute respectively. The meeting in the tabernacle was not exclusively a "Mormon" affair; for while Elder Orson Pratt offered the invocation, and Elder David McKenzie read the Declaration of Independence, the time for speech making was about equally divided between George Q. Cannon and John T. Caine, (later and for many years delegate to congress), on the part of the "Mormons," and Mr. Alexander Majors, and the Hon. Tom Fitch, late of Nevada, on the part of the non-"Mormons." At the institute there was also a decidedly mixed list of speakers. General George R. Maxwell delivered the principal oration of the occasion, followed by Colonel Jocelyn and Judge Toohy, the latter from Corinne, and all out and out anti-"Mormons." They were alternated with such leaders of the "new movement," and gentlemen but recently prominent in the "Mormon" church, as Amasa M. Lyman, Wm. S. Godbe, E. L. T. Harrison. "Each side in their notable celebration," says Tullidge, "ventilated its own special views and sentiments; but the grand day passed off peaceably, especially considering that Acting Governor Black had ordered out United States troops to overawe the citizens."<sup>21</sup>

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20. *Laws of Utah*, compilation of 1870, chapter cxxxviii, sec. i.

21. *History of Salt Lake City*, Tullidge, p. 505.

## CHAPTER CXXXIX

### UTAH POLITICS—CONTESTED ELECTIONS OF DELEGATES TO CONGRESS—THE "G. L. U." BEHAVIOR

IT has already been noted that at the municipal election held in Salt Lake City in mid-February, 1870, that what was to be known as the "Liberal" or "anti-church" political party, had its origin in a coalition of the Godbeite schismatics and the Gentiles of Salt Lake City. In the following territorial election for delegate to congress the party determined upon putting a candidate in the field in the hope if not of electing him, then for the purpose of making a contest for the seat at Washington, where there would be at least a possibility of success in gaining the seat by a decision of the house influenced as it was likely to be by the popular prejudice against the Latter-day Saints.<sup>1</sup> It was not altogether a forlorn hope, this proposed contest either. Once before the house of representatives had given attention to such a contest upon grounds so absurd, and by parties so contemptible, that any contest, however ridiculous, was bound to be entertained and reported upon and discussed at more or less learned length in the house, and would attract the attention of the country because of its connection with the "Mormon" people and their remarkable history.

#### THE HOOPER-MCGRORTY CONTESTED ELECTION CASE—1867

The former case to which reference is here made was the McGrorty contest case for the seat held by Mr. Wm. H. Hooper, in 1867. McGrorty was for some time a small merchant in Salt Lake City, and at first very obsequious in

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1. Tullidge in *History of Salt Lake City* declares that the object of nominating a candidate for delegate to congress at this time was to send their candidate to Washington to contest the seat, and from time to time send one there to make such a contest whether victorious or not. "Indeed this party from its birth entertained the belief that congress would, upon some cause, give the seat to the anti-Mormon delegate, and that Utah never would be admitted as a state until the absolute political control was placed in their hands." (pp. 490-1).

his deportment towards the Latter-day Saints. According to the *Deseret News* he was a constant attendant upon their meetings, and loud in his repeated professions of sympathy and friendliness for them.<sup>2</sup> Finding, however, that he could not long profitably play the hypocrite he came out in opposition to them and ran as an opposing candidate to Wm. H. Hooper in 1867, appealing especially to the anti-“Mormons” of Utah for their support. At the polls he received 105 votes, out of a total of 15,179,<sup>3</sup> and on this showing at the polls he based his contest. The law required that a contestant give notice of contest thirty days after the election; but this McGrorty failed to do, for notice of his intended contest was not served for nearly a year after the election on the plea that he was afraid that the people of Salt Lake City would learn through the telegraph from Washington, that he had filed a contest “and his life would be in danger.”<sup>4</sup>

McGrorty’s ground of contest was that of the upwards of 15,000 votes cast for Mr. Hooper, eight-tenths were by foreigners who had never been naturalized, and there were other irregularities in the elections such as one person presenting a list of voters names, all of whom were absent from the polls, but voted by this representative as “proxy;” that Captain Hooper had been voted for at the election as representative to congress from the provisional “State of Deseret”—for whose admission into the Union he was to ask—as well as for delegate to congress from the territory of Utah; and that Mr. Hooper in certain “endowment ceremonies,” administered by the “Mormon” church, had taken an oath of hostility

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2. *Deseret News*, weekly, of May 27th, 1868, p. 122.

3. See *Deseret News*, weekly, of Feb. 12th and 19th, 1868. In a spirit of mischief some one nominated a colored man commonly known as “Negro Cy,” who received 6 votes. On incomplete returns Governor Durkee and Secretary Reed sent Delegate Hooper his certificate of election showing on those returns 15,179 votes, of which Hooper received 15,068, the other candidate—Negro Cy, 6; and McGrorty 105. The latter’s votes came principally from the little mining town of Stockton in Tooele county.

4. *Deseret News* of Feb. 12th, 1868—“There were upwards of 2,200 votes in this [Salt Lake] county at the election of delegate to congress,” said the *News*, commenting on the above; “out of that number 36 voted for McGrorty, we would not wonder if he should yet say that they had all been slaughtered and eaten.”



to the United States, "and is, therefore, not a proper person to be admitted to the congress of the United States."<sup>5</sup>

McGrorty was assisted by Mr. C. V. Waite,—formerly associate justice of the Utah supreme court—1862-3—in the preparation of his contest, which consisted of the above mentioned points with general charges of disloyalty against the whole "Mormon" population, also that they were alien to American principles and sentiments, and guilty of many crimes, among which were sundry alleged religious murders, or cases of "blood atonement." The house received this belated notice of contest notwithstanding all its absurdities and referred it to the committee on elections.

DELEGATE HOOPER'S DIGNIFIED ANSWER TO MCGRORTY'S CLAIMS—  
THE "ENDOWMENT OATH"

Mr. Hooper made formal answer to these charges, but further than a general denial he would not go. He held that the contestant was not rightfully "in court." He denied the truth of the allegations concerning the irregularities in the voting at the election, and the charge that eight-tenths of the votes were cast by aliens. The alleged occurrences of outrage cited by contestant occurred, by his own showing, from eight to fifteen years before; and "even if true—which is not admitted—as charged by contestant, they fall far below the number and degree of outrages which occur in all newly settled territories—and have no relation to the contest." One of the answers of Delegate Hooper is of especial interest, in view of the part it has taken in nearly all subsequent congressional contests against "Mormons" elected to the house and senate, namely, the allegation that Mr. Hooper had taken an oath in the course of a religious ritual known as the "endowment ceremonial," inconsistent with his duty of loyalty to the government. Mr. Hooper answered:

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5. Article in *Deseret News* of Feb. 12th, 1868, "A more ridiculous proceeding than this of McGrorty's we never heard of. He was looked upon as but little, if any better, than an insane man. He was so regarded almost universally. His present action confirms the idea."

"The sitting delegate \* \* \* denies that he has ever at any time taken any oath which could in any manner interfere with his duties as a loyal, and law-abiding citizen of the United States; and he further states that to the best of his knowledge and belief, *there is no oath taken or required to be taken by the people known as 'Mormons,' under any rule of their church, inconsistent with their duties as loyal and law-abiding citizens of the United States.*"<sup>6</sup>

Thus in this first contest, as in all subsequent contests, where this charge has been made, emphatic denial of it has been entered.

On the 9th of July, 1868, the house committee on elections decided the contest in favor of Mr. Hooper, and so reported to the house,<sup>7</sup> as before stated.

Certainly if a contest could be had before the American house of representatives upon grounds so absurd as those on which McGrorty based his contest in 1868, nothing could be barred in the way of a contest under the intensified congressional and popular prejudice existing in 1870-71.

#### THE GENTILE CANDIDATE—THE "LIBERAL POLITICAL PARTY OF UTAH"

The person nominated by the Liberal party to make this contest in 1870 was General George R. Maxwell, United States registrar of the land office, all who were opposed to "despotism and tyranny in Utah," and who favored the separation of church and state; all who would stand for freedom, liberality, and progress, were urged to attend a convention to be held on the 16th of July, by the new party. The convention was held at Corinne, General P. E. Connor was elected chairman, and Mr. Maxwell was nominated by acclamation. Governor Shaffer's executive policy was endorsed; and before the close of the convention the organization was officially named the "Liberal Political Party of Utah."<sup>8</sup>

6. See Hooper's answer in contest case under eleven specific denials of charges made by McGrorty *Deseret News*, weekly, of May 27th, 1868. Also, *House Miscellaneous Documents*, 40th Congress, 2nd Session, No. 35.

7. See Hooper's special dispatch to the *Deseret News*, of July 15th, weekly, 1868, p. 180.

8. See Tullidge's *History of Salt Lake City*, ch. liv.

At the election more than 20,000 votes were cast. Maxwell received less than 1,500, half of which were alleged to be illegal, through repeating and allowing unqualified persons at Corinne to vote.<sup>9</sup> Maxwell duly contested the election, conducting his case very much along the lines of McGrorty's plan, but charging Mr. Hooper with disloyalty in connection with the Buchanan's "Utah Expedition" troubles and the alleged endowment oath. He relied upon the intensity of the prejudice against the Latter-day Saints existing at the time for his success.<sup>10</sup> But in this he was disappointed, and his contest was unsuccessful.

THE "PEOPLE'S PARTY:" GEORGE Q. CANNON, AN APOSTLE AND  
POLYGAMIST—ITS CANDIDATE

At the election of 1872 General Maxwell was again the Liberal party's candidate for delegate. Mr. Hooper early signified to his friends his intention not to be a candidate again, as his ten years of service had left him exhausted, and he determined upon taking a much needed rest. Whereupon George Q. Cannon, one of the twelve apostles of the church, was made the nominee of the People's party, a name which came very naturally into existence as representing the overwhelming numbers of the people of the territory who were opposed to the anti-"Mormon," or so-called "Liberal party." It has been urged that the selection of Mr. Cannon as the candidate for delegate to congress at this time arose from a determination on the part of the "Mormon" church leaders to have the "'Mormon' case in its entirety sent to Washington," and hence Mr. Cannon, "an apostle and a polygamist, was sent to congress." There is no reliable evidence for the statement, to say nothing of proof.<sup>11</sup> It is mere fancy that reads into

9. See returns given by *Salt Lake Herald* of August 4th, 1870. Tullidge puts the number of votes at 26,000 of which "Maxwell received but a few hundred." (Tullidge's *History of Salt Lake City*, pp. 596-7. *Ibid*, p. 490).

10. Tullidge's *History of Salt Lake City*, pp. 490-1 and 597.

11. Tullidge's *History of Salt Lake City*, pp. 597-8. Mr. Tullidge, I believe stands practically alone in this view of the case, but quotes an unnamed writer who argues the matter at length, but without becoming convincing. This in *The History of Salt Lake City*, 1886. Turning to the same author's *Life of Brigham Young*, or

the events of those days such a conception. As a matter of fact there was less inclination in 1872 to press the question of polygamy upon the attention of congress or the country than at any other time, as we shall see later when considering another question. Mr. Cannon was not chosen delegate to thrust a polygamist into congress in defiance of public sentiment, but because he was undoubtedly by temperament and general character, by his grasp of public questions, and broad intelligence, by his tactfulness and his ability to make and hold friends, by his pleasing manner and cosmopolitan spirit, and, finally, by his knowledge of the west and the especial needs of his people—he was the very best man in the community at the time—Mr. Hooper eliminated—to represent Utah as delegate to congress; and having all the constitutional qualifications for the office, the people of Utah never doubted but he would be acceptable to congress, and never suspected that his advent at the capital would raise the question of polygamy in congress, and much less thrust that subject upon the attention of congress and the country.

#### THE ELECTION OF MR. CANNON AND THE CONTEST

In the election which took place on the 5th of August, George Q. Cannon received 20,969 votes; George R. Maxwell, 1,942. When the votes of the election were officially counted in the presence of Governor Woods and Secretary Black, General Maxwell, accompanied by Rev. Norman McLeod, read a protest against the certificate of election being given to Mr. Cannon, taking substantially the same ground that he did in contesting the seat of Delegate Hooper, two years before, excepting the charge of disloyalty in the "Buchanan

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*Utah and Her Founders*, 1877, one discovers the unnamed "writer" in the *History of Salt Lake City*, to be Mr. Tullidge himself. *Life of Brigham Young*, or *Utah and Her Founders*, pp. 437-8. In addition to Tullidge there is an article from the *Territorial Enterprise*, a western paper, quoted by the *Salt Lake Tribune* of Aug. 12th, 1872, in which it is said that "it was supposed to be the wish of Brigham Young" that Hooper should retire in order that a "Mormon" with several wives might be his successor, to ascertain how far the government can be made to go in recognition of the detestable practices of the "Mormons." All which was mere hostile Gentile supposition.



Utah War.” He added, however, charges of polygamy and polygamous living; and included the charge of disloyalty to the government by reason of taking the alleged disloyal endowment oath, as in the charges against Mr. Hooper, with this variation, that Mr. Cannon had also at a specific time and place—“15th day of May, 1848, at Nauvoo, Illinois”—taken an oath to obey Brigham Young or his successors, in all things, both temporal and spiritual. Mr. Cannon’s answer to this allegation published in his formal denial of the Maxwell charges is as follows:

“I deny that on the 15th day of May, 1848, at Nauvoo, Illinois, or at any other time or place, I took an oath or other obligation, to obey Brigham Young or his successors, in all things, or in anything, temporal or spiritual. I deny that at Nauvoo, or elsewhere, I ever took an oath, or other obligation of disloyalty to the United States, or that I ever, at any time or place, took an oath or other obligation to thwart or overthrow the government, and I utterly deny that I have ever taken any oath, affirmation, or other obligation, or made any declaration, inconsistent with my loyalty and allegiance to the United States, or obedience to the government and laws thereof.”<sup>12</sup>

Maxwell also alleged that Cannon had conspired with Brigham Young and others to coerce voters under penalty of death to vote for Cannon in the election 1872. The nature of the charge may be judged by the answer made to it:

“I deny,” said Cannon’s answer, “that the said voters, or any of them, were influenced by fear of Brigham Young, or any other person. I further deny that I was combined or confederated with said Young, or any other person or association, to influence the said election; or that I or any one on my behalf, or otherwise, did by duress, violence, or other coercion, compel each or any voter for me at said election to vote, under the penalty of death, or under any other penalty whatsoever.”<sup>13</sup>

It was pointed out by Mr. Cannon’s representatives, Mr. S. A. Mann, late secretary of Utah and acting governor, and Mr. John T. Caine—Mr. Cannon being absent in California—that the governor and secretary’s duty in the premises

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12. *Salt Lake Daily Herald* of Nov. 23rd, 1872, where Cannon’s answer to Maxwell is given complete.

13. *Salt Lake Herald* of Nov. 23rd, 1872.

was purely administrative, and required them to grant the certificate to the person receiving the greatest number of votes. The fact that congress had reserved to each house of congress, respectively, the right to determine the election and qualifications of its members deprived the governor and secretary of the territory of any judicial function in the case, or any option in the matter of issuing the certificate of election. The certificate was accordingly granted to the successful candidate, and Mr. Maxwell served notice of his intention to contest the election before the house of representatives at Washington.

At the opening of the congress—the forty-third—when the members were being sworn in General Maxwell induced Mr. Merriman of New York to make objection to Mr. Cannon taking the oath, by a resolution embodying in brief form the charges against the Utah delegate by the contestant for his seat, and alleging belief of probable cause of disqualification. As an objection of this character by a member of the house is sufficient to prevent a member-elect from being sworn in until the matter is disposed of, Mr. Cannon had to stand aside until the members were sworn in. Then the Merriman resolution was immediately taken up and discussed by leading members of the house, by both Republicans and Democrats. The *prima facie* right of Delegate Cannon to be sworn in was so clear that the vote to table Merriman's resolution was unanimous save for one vote, and Mr. Cannon was sworn in. Subsequently the house committee on elections disposed of the contest by reporting unanimously that Maxwell was not entitled to the seat and that George Q. Cannon was. Not satisfied with this, however, or fearing that they might be adjudged as being too friendly to "Mormonism" by admitting a "Mormon" to a seat in congress, a resolution by Mr. Hazelton of Wisconsin, appointing a committee to investigate the Maxwell charges against Mr. Cannon was passed and the committee made such progress that it finally adopted a resolution to "exclude" the delegate, but

this conclusion was arrived at so near the end of the second session of the forty-third congress that it was never considered by the house.<sup>14</sup>

Mr. Cannon was reelected in 1874 to the 44th congress, —1875-77. Mr. R. N. Baskin, a prominent Gentile lawyer, active in all anti-“Mormon” movements of the period,<sup>15</sup> was his opponent. Mr. Cannon received 22,260 votes, Mr. Baskin 4,513. The Liberal candidate was unsuccessful in the contest before the house of representatives, and Mr. Cannon by reelections continued as Utah’s delegate to congress until 1882.

#### THE UTAH LOCAL ELECTIONS—“MORMON” AND GENTILE CONTESTS

The elections in Utah for local officers, territorial and municipal, no less than the elections for delegate to congress, were of interest and exhibit the intensity of the conflict waged for political control during this period. The coterie of federal appointees including the governor, secretaries, judges and minor officers fomented discord and organized opposition to the prevailing order of things as sustained by the majority of the people—the Latter-day Saints. In the territorial election of 1871, the Liberal or anti-church party, determined to put a ticket in the field in Salt Lake county for members of the council branch of the legislature, which up to this time had been exclusively “Mormon.” While it was generally conceded that the ticket could not be elected, still it was confidently expected that such a showing would be made as to indicate an increasing opposition to “Mormon rule,” and it was hoped that it would give strength to subsequent contests for the delegateship to congress. “We may not succeed in this election,” commented General Maxwell, “but we shall poll a vote that will astonish them.”<sup>16</sup>

14. *House Miscellaneous Documents*, 43rd Congress, 1st Session, No. 49. *House Committee Reports*, 43rd Congress, 1st Session.

15. Mr. Baskin arrived in Utah in August, 1865. Baskin’s *Reminiscences*, p. 5.

16. The candidates were J. Robinson Walker, Samuel Kahn, Wells Spicer, and C. C. Beckwith, well known and influential citizens. Because of their high character and permanent interest in Salt Lake City and Utah, they were expected to strongly appeal to conservative “Mormons” as well as to the Gentile population.

A ratification meeting of the party was held in Salt Lake City, on the 22nd of July, and here it was discovered that the party made up of the Godbeite schismatics and the Gentiles of Salt Lake City and county was not altogether harmonious. The rabid speeches on the occasion of such extreme anti-"Mormons" as General Maxwell and Judge Toohy, the latter of Corinne, in which the domestic institutions of the "Mormon" people were assailed and their leaders threatened with unusual judicial harshness, not only as to prohibiting the extension of polygamy but in disrupting existing relations, could not be approved by the Godbeite leaders who were present; and the result was a very disorderly meeting, which hurriedly adjourned to stay the tide of dissension which had set in, and which threatened the disruption of the party then and there. The next morning the *Salt Lake Herald* declared that the Liberal party was dead—"disembowelled by its own hand." Mr. C. C. Beckwith immediately repudiated his nomination, and every effort by the *Tribune* and the conservative party leaders availed nothing to stay the dissension which had arisen by the unjustifiable assault made upon the "Mormon" people. "The coalition," writes Tullidge, "formed by ex-Mormon elders and radical Gentiles had been an utter failure." And this remark is justified by the showing made in the Salt Lake county election returns, which registered an average vote of about 4,700 for the People's party candidates; and an average vote of about 600 for the Liberal party candidates.<sup>17</sup>

#### RISE OF THE "GENTILE LEAGUE OF UTAH"

The failure of this coalition of ex-"Mormon" elders—Godbeites and Gentiles, to adhere in an opposition political party to the People's party is what doubtless led shortly after the aforesaid election to the formation of "The Gentile League of Utah." This was a secret organization having its membership in Salt Lake City and in the mining camps adjacent;

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17. Tullidge's *History of Salt Lake City*, p. 512.



and had for its purpose the breaking up of "Mormon theocracy." The fact of its existence and the avowal of its purpose, rest upon the testimony of those who are competent to know whereof they spake, since they were at the time of its organization connected with the staff of the *Salt Lake Tribune*, the organ of the anti-"Mormon" forces. These parties were Mr. Tullidge and Joseph Salisbury. The former in his *History of Salt Lake City*, writes:

"Sometime after this [i. e. after a certain disruption in the editorial staff of the *Salt Lake Tribune*] a secret society was organized in the city and mining camps, known as the 'Gentile League of Utah.' Its mission was to break up 'Mormon theocracy.'"

Mr. Tullidge represents that when some of Judge McKean's extreme judicial acts were overruled by the United States supreme court (of which more later), the work he had undertaken in the matter of suppressing "Mormon theocracy," had "to be done by the 'G. L. U.'s;" and they [i. e. anti-'Mormons'] did not hesitate to impress on the public mind that they were a semi-military organization. The radicals at their public meetings boldly boasted of this organization and its purposes; and Judge Haydon prophesied that the streets of Salt Lake City would run blood."<sup>18</sup>

For alleged "misrepresentations," of proceedings in the city council, published in the *Salt Lake Tribune*, and the paper refusing to make retraction and apology, the representatives of the *Tribune* were excluded from the council meetings;<sup>19</sup> whereupon it was determined to force the attendance of the *Tribune's* representatives upon the city council by the use of the "Gentile League of Utah." Following is the reporter's (a Mr. Salisbury's) signed statement of the plan adopted:

18. *History of Salt Lake City*, pp. 590-1.

19. The matter of misrepresentation was as follows: Under the caption—"Brigham on the War Path," the paper said, "that Brigham Young arose and suspended the laws of the council without motion or vote," etc. This was untrue since President Young had requested the privilege of speaking, which was granted, and the rules were suspended by the council that he might do so. (See *Deseret News*, daily, of July 31st, 1872. The *Tribune's* account of the expulsion of its representatives will be found in the impression of that paper of Aug. 3rd, 1872).

## THE "G. L. U." IN ACTION

"I was afterwards directed by Mr. Fred T. Perris, manager of the paper, (*Tribune*) to attend at the next regular meeting of the council, and report as usual. I said, in answer, that I presumed the council would adopt parliamentary rules and close its doors; whereupon the manager informed me that General Geo. R. Maxwell had promised to be there with 100 men of the 'G. L. U.'s' and other secret orders, to force an entrance and insist on my taking the minutes;

That, on the day previous to the meeting, I was in the editor's office writing, when General Maxwell came in and asked me if I was ready to go to the council the following evening. I replied, 'I shall go anyhow.' He intimated that he was ready, and the 'boys' would be there;

That I understood the program to be that, if any hostile demonstration were made by the mayor and council, each of them would be immediately covered by a pair of pistols, in the hands of the 100 men present;

And furthermore, that, if Brigham Young was present, he would be a special mark;

That, for some reason, the project was abandoned;

That myself, accompanied by Mr. F. T. Perris and Mr. Abrahams, went to said meeting, when the motion of the preceding council was confirmed and the *Tribune* men again expelled."<sup>20</sup>

On the 3rd of August, 1872, during the Cannon-Maxwell congressional campaign an outdoor meeting was held in front of the Salt Lake Hotel on Main street to ratify the nomination of the Liberal party's candidate. "Mormon theocracy" was the object of attack by all the speakers. Its

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20. Tullidge's *History of Salt Lake City*, p. 592. Tullidge in a footnote, declares that he requested the appointment to go to the city council meeting as representative, but his request was denied by the management, the reason given being that his known "truthfulness and justice" would lead the city council to allow him to remain "as a member of the press, notwithstanding the expulsion of the paper of whose staff he was a member." "But harmony with the city council," Mr. Tullidge goes on to say, "fairness towards its administration, was just what the 'Liberals' wished to prevent. War, not justice, was their aim. That they did also project the movement against the city authorities, as stated by Mr. Salisbury, the very fact that the *Tribune* manager, local editor and foreman of the printing establishment were at the city hall to force the presence of the opposition press is very evident as the newspaper reports and the record of the council will substantiate. The explanation, too, why the '100 men' were not at their post was, it may be presumed, no fault of the agitators, but simply because certain well known conservative business men did not enthusiastically take the responsibility. Without these influential citizens Maxwell knew that his '100 men' would have been but an armed band of rioters." (Signed) "E. W. Tullidge, associate editor *Tribune*, 1872." (Tullidge's *History of Salt Lake City*, p. 592, note). For the *Deseret News* account of the expulsion of the *Tribune* representatives from the city council meeting see the impression of Aug. 7th, weekly, p. 397.

leaders were brutally abused, its members denounced as "dupes," "serfs," "the downtrodden," and "geese." These verbal assaults produced great excitement in the crowd of listeners, most of whom were "Mormons," who resented by denials, hisses, yells, and groans the accusations so bitterly made. "Now came the business for the 'G. L. U.'s,'" says Mr. Tullidge:

#### A "DARE" TO VIOLENCE

"They sprang to the front. They were headed by United States ex-Marshal Orr.

Follow me 'G. L. U.'s' he cried to his armed troop.

They dashed after him, revolvers in hand, and formed a half circle in front of the stand. Flourishing their weapons, they awed back the people, each waiting eagerly for the command to fire into the crowd.

For the anxious space of five minutes, it was almost certain that Judge Haydon's prophecy would be fulfilled that night, and the streets of Salt Lake run with blood.

The writer saw their weapons brandished above the heads of their foremost men, gleaming in the flickering light of the lamps, and heard the excited cries of men eager for the word to fire.

The 'G. L. U.'s' went to that meeting anxious for the work of revolution, as the more speedy way of 'solving the Mormon problem;' and around the stand, where for a moment there seemed a favorable opportunity, this was strongly manifested.

\* \* \* That our city did not witness on this night a mournful tragedy is due alone to the fact that no weapons were drawn by any, excepting the Liberals."<sup>21</sup>

The street meeting on account of the frequent interruption's adjourned to the Liberal Institute where the speaking without further interruption was concluded."<sup>22</sup>

#### ANOTHER APPEAL FOR USE OF UNITED STATES TROOPS

On the ground of this disturbance of the street meeting

21. *History of Salt Lake City*, pp. 592-593.

22. See *Deseret News* account, impression of August 5th, daily, 1872, where a fair account is given, but no mention of the "G. L. U.'s" is made. At the conclusion the *News* says: "We regret the course taken by the few disorderly persons in the assemblage on Saturday night. Their object (i. e. of the Liberals) was unmistakably to excite the people by insulting their leaders and making disparaging remarks about their religion; but even under such circumstances it is to be regretted that any symptoms of disorder or confusion were manifested. Such persons [anti-'Mormons' of the meeting] are really beneath contempt."

a strong appeal was made by the *Tribune* for the troops at Camp Douglas to be present at the polls the next day, but the appeal was in vain, and the election passed off without disturbance.

It is charged by these same parties, Tullidge and Salisbury, that at a mass meeting held in front of the Walker House on Main street on the 12th of October, 1872, another plot was formed to bring into use the "G. L. U.'s" in the event of any disturbance of that meeting. The meeting was held to glorify the Republican success in the fall election in Pennsylvania, Ohio, Indiana, and Nebraska, foreshadowing the success of the Republican party in the reelection of Grant. And now the statement of Salisbury:

"During the day it was whispered around that an organization had been effected and that prominent men of the city authorities would be watched by the armed members of the 'G. L. U.'s.' I subsequently learned that these were under the control of the chairman and that at his given signal the body was to move *en mass*.

I soon discovered that the program was well arranged, and saw men known to me as 'G. L. U.'s' moving in the crowd in twos, with their hands upon their pistols, threatening those who dared utter the slightest murmur at the wanton denunciations against the Mormon leaders. It was at this meeting that the predictions uttered at the Liberal Institute and by Mr. Baskin in the *Tribune* office, were to have found fulfillment, but Associate Justice Strickland exposed the movement prematurely when at the first sound of an opposing voice he arose and proclaimed:

*'The first man who interrupts this meeting I will order shot! I mean what I say and say what I mean! \* \* \* \*'*

\* \* \* I subsequently learned, from conversation among the radicals, that had there been any counter demonstration, the 'G. L. U.'s at a given signal would have fallen back to the sidewalk, in front of the Walker House, and that a volley from them, and others stationed in the windows above, would have fulfilled the prophecy of United States Attorney Baskin—"We'll have a hundred coffins at our next meeting!"<sup>23</sup>

23. Tullidge's *History of Salt Lake City*, pp. 595-6. The statement is signed by Mr. Salisbury. "During remarks by Judge Toohy last night, some person in the crowd audibly gave him the lie, when Obed F. Strickland, associate justice of the supreme court of Utah, and judge of the first judicial district proclaimed that if any one created a disturbance—or words to that effect—he would order such person shot! Will it be believed that such language could fall from the lips of a sworn conservator of the peace and a federal judge, simply because of a verbal interruption of a speaker? It would not be thought of anywhere outside of Utah; and even here it was so glaring that Toohy could not help protesting against it." (See also *Salt Lake Tribune* of Aug. 3rd and 5th, 1872 and *Salt Lake Herald* of same dates).



"BAYONET RULE" TO BE APPLIED IN UTAH ELECTIONS

At the territorial election in August, 1874, at the time that Cannon and Baskin were rival candidates for the office of delegate to congress, another serious disruption of the peace of the territory for a time threatened. General George R. Maxwell was United States marshal for the territory at the time, and on the day of election he employed a large number of United States deputy marshals and sent them to the polls "to see that no citizen was hindered in freely casting his vote." This under the act of congress known as the "bayonet rule" or "force act," passed by congress—during the "reconstruction period"—for the states of the south recently in rebellion; and which granted to United States marshals and their deputies special powers on election days, when representatives and delegates to the national congress were to be elected. The Liberal or Gentile view of this law was that "the [local] civic authority was temporarily suspended;" that "*United States' law had stepped in to run the city for one day.*"<sup>24</sup> The People's party leaders and press, of course, took an entirely opposite view from this. The *Deseret News*, commenting upon this attempt to apply the "bayonet rule" designed for the southern states in the "reconstruction period" to Utah, said:

"The Liberals appear to have acted upon the assumption that, of all days in the year, on election day, the municipal authorities should vacate their offices, and let the peace of the city take care of itself. In support of such a ridiculous assumption we have never seen a particle of law or

24. "It was his [Mayor Wells'] duty," said the *Salt Lake Tribune*, "to know the provisions of the act of congress under which the election was held, and to know that *the civic authority was temporarily suspended*. United States law had stepped in to run this city for one day. The obtuse [Mayor] Wells couldn't understand this." (*Salt Lake Tribune*, August 5th, 1874). Two days later, commenting on the trials growing out of the election disturbances, the *Tribune* said: "Judge McBride \* \* \* assumed that the mayor and police in their brutal and riotous demonstration at the polls throughout the day [day of election, Aug. 3rd] were acting in ignorance of the act of congress *which suspended their functions as officers of the peace at the election*. \* \* \* But we do not see that this humane plea can help them any. The marshal's deputies were there commissioned and armed with full power to perform police duties; and the provisions of the act of congress relating to elections had been twice published in the *Tribune*, and attention called to the same in editorial comment." (Editorial in *Salt Lake Tribune* of Aug. 7th, 1874).

authority. The reconstruction or 'bayonet law' of congress under which United States marshals and their deputies are authorized to attend elections, specially for representatives or delegates to congress, and to arrest offenders against United States' laws was passed with special reference to the fifteenth amendment [of the national Constitution] and the suffrage rights of colored people, and was never intended to abolish local authority, neither does it."<sup>25</sup>

#### RIOTING AT THE POLLS

The local officers refused to abdicate their duties as peace officers, and the city police were present at the polling places to preserve order. The presence of the two classes of officers at the polls proved irritating, and at the polls of the 5th city precinct—which included the City Hall, and part of the business section of the city, where the Liberals had concentrated their forces—a serious riot threatened throughout the day. An attempt on the part of one of the city police to remove a man from the polls after his vote had been rejected by the judge of the election, and who, with his adherents, was obstructing the polls, led to resistance to his removal by some of the deputy marshals, and resulted in the arrest of the policeman, Officer Philips. This was followed by the arrest of a deputy marshal and counter arrests of other policemen. Late in the afternoon Mayor Wells appeared at the City Hall, and as he was entering the doorway a deputy United States marshal, J. M. Orr, said to be under the influence of liquor, seized him and pulled him onto the sidewalk. The crowd, which all day had surged about the polls, was by now excited and well-nigh unmanageable. In the struggle to free himself from his assailants and during the efforts of his friends to rescue him from the crowd the mayor was roughly handled, sustained some bruises, and his coat was torn to shreds. He was finally rescued by the police and safely conveyed into

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25. *Deseret News*, daily, Aug. 4th, 1874. It has been erroneously stated by some Utah writers that the law of congress respecting the employment of United States deputy marshals at elections for representatives and delegates to congress—in other words the "Enforcement Act," was subsequently declared to be unconstitutional by the United States Supreme Court, but the very opposite was the decision of that tribunal. (See the *Habeas Corpus* cases of Albert Siebold, *et al*, *United States Supreme Court Reports*, vol. c, 1879, p. 717, *et seq*).

the City Hall and the entrance closed. A few minutes later he appeared upon the balcony and read the riot act to the turbulent crowd below, some of whom shouted "shoot him! shoot him!" As the crowd did not disperse at his request the mayor gave orders to the chief of police to disperse it by force, which he did promptly, with a detachment of the police force who acted vigorously, and at the expense of broken heads to those who resisted the orders to disperse. This action restored peace.

For his part in trying to restore order the mayor was placed under arrest by the federal officers, as were other city officials, but admitted to bail, as also were the deputy marshals who had been placed under arrest by the city authorities. A few days later, however, when the election excitement had passed, all cases growing out of the election broils were dismissed by the respective courts having jurisdiction.<sup>26</sup>

In the election, as before stated, Mr. Cannon received 22,260 votes, Mr. Baskin 4,513 for delegates to congress; and in Salt Lake City votes for Mr. Cannon stood at the ratio of nearly four to one. This is mentioned to show that strong in their confidence to elect their candidate, Mr. Cannon, there was no likelihood of the "Mormon" party resorting to illegal means to accomplish their purpose, no probability that they would interfere with the voting of their opponents; and therefore there was no occasion for employing the "bayonet law" of congress in this election by sending deputy marshals to the polls, "to protect citizens while voting," or to keep the peace. But it might be greatly to the advantage of the prospective contestant of Mr. Cannon's seat, when the case should be taken before congress (for it was understood by Mr. Baskin and his friends that the seat would be contested by them, no matter how badly the Liberal party might be defeated at the polls) if that contestant could cite election

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26. For the sources of information concerning this incident see Salt Lake local papers, *Deseret News*; also *Salt Lake Herald and Tribune* from 3rd to 7th of August, 1874; also Tullidge's *History of Salt Lake City*, ch. lxx.

riots and conflicts on a large scale between local "Mormon" officials and federal officers. And that, at the time, was the interpretation put upon the action of the Liberal leaders and the United States marshal.<sup>27</sup> If this was the purpose of invoking the federal "bayonet law" of congress, at this Utah election, it failed in its purpose.

## NOTE

## THE SALT LAKE TRIBUNE

The *Salt Lake Tribune* was a culmination of other papers which accomplished a mission and passed away. Its original, undoubtedly, was the *Valley Tan*, whose offspring was the *Vedette*. The *Mormon Tribune* was but its parent in name. After the political coalition of 1870, which brought forward Henry W. Lawrence, as candidate for the office of mayor of Salt Lake City, on the ticket of the Liberal party, the common sense of the party quickly appreciated that the name "*Mormon*" *Tribune* must be resigned or another paper started in its stead. The transition to the *Salt Lake Tribune* was comparatively easy, yet scarcely was the change of name effected ere the new policy required that the editorial control should also change. This forced the retirement of Mr. E. L. T. Harrison, who was succeeded by Mr. Oscar G. Sawyer, who was brought on from the *New York Herald* staff to take the editorial charge.

The first issue of the *Salt Lake Daily Tribune* was on the 15th of April, 1871. The names of W. S. Godbe and E. L. T. Harrison still stood at the head of the paper; William H. Sherman, business manager; Oscar G. Sawyer was introduced as the managing editor.

The following is from the Prospectus of the *Salt Lake Daily Tribune*, under the caption "Our Program:"

"The *Daily Tribune* will be a purely secular journal, devoted entirely to the presentation of news and to the development of the mineral and commercial interests of the territory. It will have no sectarian bias and will be the organ of no religious body whatever. The aim of the publishers will be to make it a newspaper in every sense of the word. \* \* \* On political and social questions the policy of the paper will be to sustain the governmental institutions of the country. It will oppose all ecclesiastical interference in civil or legislative matters and advocate the exercise of a free ballot by the abolition of 'numbered tickets.' \* \* \* As a journal the *Tribune* will know no such distinctions as 'Mormon' or 'Gentile' and where sectional feelings exist it will aim for their abolishment by the encouragement of charitable feelings and the promotion of a better acquaintance. \* \* \*"

The *Salt Lake Tribune* ran for a while under the editorial direc-

27. See Tullidge's *History of Salt Lake City*, ch. lxx; and the editorials of the *Deseret News*, daily, in its impressions of Aug. 3rd to Aug. 7th, 1874.



tion of Mr. Sawyer; with him were associated George W. Crouch and E. W. Tullidge, ex-"Mormon" elders, and a Mr. Slocum, a leading spiritualist from California. That such a strange combination could not possibly give unity of purpose or consistency of tone to the paper was soon evident, especially as a similar inharmony existed among the board of directors. The *Tribune* in fine, changed its character, or rather mixed its characters with every issue. This "incompatibility of journalism," as Mr. Sawyer explained to the public in his valedictory, which existed between him and the directors, forced him also to retire from his position as editor in chief, after which Mr. Fred T. Perris became manager, both in the editorial and business departments.

The *Salt Lake Tribune* next passed into the hands of another management. Three experienced journalists from Kansas took the paper on trial, relieving the original *Tribune* publishing company of the heavy burden of their subsidies, which had hitherto sustained it, and soon afterwards that company itself became obsolete.

Mr. George F. Prescott, Mr. Hamilton and Mr. Fred Lockley were each very able men in their several spheres. Prescott as manager of the paper sagaciously retained in his department George Reed, who had been assistant business manager both of the *Utah Magazine* and the *Tribune* from the beginning, thus retaining the local business acquaintance. "It was Mr. Fred Lockley, however, that gave the marked and pugnant anti-Mormon character to the *Salt Lake Tribune*, for which it has become famous in the Gentile mind, infamous in the Mormon mind. \* \* \*

\* \* \* September 9th, 1883, the *Salt Lake Daily Tribune* passed into the hands of Mr. P. H. Lannan, and Judge C. C. Goodwin as business manager and principal editor, respectively."<sup>28</sup> This ownership and editorship continued until the *Tribune* was purchased by Messrs. Thomas Kearns and David Keith, with whose heirs, organized into a publishing company its ownership remains until the present time—1930. and now is, an independent Republican newspaper.

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28. Tullidge's *History of Salt Lake City*, appendix, p. 13.

## CHAPTER CXL

THE JUDICIAL CRUSADE OF 1870-1872—PROGRESS OF THE ANTI-  
"MORMON" CONSPIRACY—"A SYSTEM ON TRIAL IN THE PERSON OF  
BRIGHAM YOUNG"

WE have now to deal with the judicial crusade in Utah, of which Judge James B. McKean was head and front, through more than four troubled years of Utah's history, 1870-1875.

### JUDGE JAMES B. MCKEAN—THE LIQUOR CASE

Judge McKean was appointed chief justice of Utah's supreme court in July, 1870; and arrived in Salt Lake City on the 30th of August. He was assigned to the 3rd judicial district which included, it will be remembered, Salt Lake City. Three days before his arrival the liquor establishment of Paul Englebrecht, Christian Rehemke, and Frederick Lutz had been entered by the city police and the entire stock of liquors of the value of about \$22,000 had been destroyed. As this case was finally disposed of by the United States supreme court, and is the one which overthrew the fanatical judicial procedure of Judge McKean's reign in Utah, it is necessary to set it forth somewhat in detail. And also it exhibits how aggravatingly the local authority was contemptuously defied by those who thought they could find special protection under the rulings of the federal courts.

The Englebrecht establishment was supposed to be a wholesale liquor concern; and under the city ordinance it was provided that a wholesale liquor license should not authorize any person to sell either spirituous or vinous, or fermented liquors in less quantity than ten gallons, or in original packages; and bottled liquors or wines only in original packages as imported and in no case to be drunk on the premises of parties so licensed.<sup>1</sup> In disregard of this provision the Engle-

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1. See city ordinance in full, *Deseret News*, weekly, of Aug. 31st, 1870, sec. 2.

brecht concern sold at retail as well as wholesale, for which Englebrecht was arrested and fined three different times. Notwithstanding this,<sup>2</sup> when he applied for the renewal of his wholesale license, about a month before the concern's stock was destroyed, the application was favorably acted upon. The 8th section of the city ordinance regulating the liquor traffic provided that the city council should determine the time for which the license should be given, the amount to be paid therefor, and should require bonds with security and determine the amount thereof for the due observance of the ordinance, etc.<sup>3</sup> But after the city council signified its willingness to grant the license, Englebrecht refused to sign the bond required, which, of course, left him without a license, but notwithstanding he had no license, *he continued to sell liquors both wholesale and retail* in defiance of the city ordinance; for which, during the month of August, Englebrecht was several times arrested and on three occasions fined, but in each case he took an appeal, denying the city's jurisdiction. Concerning these appeals no decision had been reached, as the district court had not been in session since the appeals had been made.

#### PROVISIONS OF THE LAW

Section 7 of the city ordinance in relation to the liquor traffic provided that if any person having reasonable cause to believe that any house or place is established and kept for the purpose of selling or otherwise disposing of liquors, without a license from the city, and will make oath of the same, describing the place, and if upon investigation it shall so appear, the mayor or alderman before whom such complaint has been made may issue his warrant, directed to the city marshal, or any of his deputies, commanding him to enter said house or place and demolish all things found therein made use of in the sale of liquors, etc.; and to arrest the person or persons

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2. Violation of the ordinance subjected the offender to both fine "and forfeiture of license." (*Ibid*, sec. 9). Hence the "notwithstanding this" clause above.

3. *Ibid*, sec. 8.

owning, keeping, or conducting said house or place, and bring them before the court; where, on conviction, the offender was subject to fine, or imprisonment or both. The above course was strictly followed in the procedure against Engelbrecht. A person made the required oath before Alderman Jeter Clinton. The order was issued to the city marshal, Mr. J. D. T. McAllister, who with the chief of police and a force of eighteen regular and special officers went to the Engelbrecht establishment and "quietly but sternly" proceeded with their duty. The whole stock of liquors was destroyed as before stated.<sup>4</sup>

For this action Engelbrecht entered a civil suit against the officers for the recovery of a three-fold value of the property destroyed, under a territorial statute providing for treble damages when property was unlawfully, wilfully, and maliciously destroyed. During the progress of the case Judge McKean in ruling upon a demur of the plaintiffs to the answer of the defendants that their action in destroying the liquors of the Engelbrecht concern was not unlawful, or wilful, or malicious, but done in pursuance of legal authority, overruled that demur, so that if the defendants could establish absence of wilful malice it would reduce its offense to mere trespass, in which case the defendants could only be mulcted to the amount of actual damages, instead of treble damages. But when the trial jury, from which every "Mormon" had been excluded, either for cause or on peremptory challenge,<sup>5</sup> brought in its verdict, it was for treble damages amounting to \$59,-063.25. On appealing the case to the territorial supreme court the judgment of the trial court was affirmed. An appeal was taken to the United States supreme court on a writ of error, the defendants challenging the array of the jury in the third judicial district of the territory. "The controlling question raised by the challenge to the array," as the supreme court in its decision subsequently said, "is, whether the law of

4. The account of the procedure in detail in *Deseret News*, weekly, of Aug. 31st, 1870, p. 354.

5. See *Deseret News*, weekly, of Nov. 9th, 1870, p. 465.



the territorial legislature, prescribing the mode of obtaining panels of grand and petit jurors, is obligatory upon the district courts of the territory."<sup>6</sup>

#### THE RECORD OF THE CASE

The record of the case shows that the court originally directed a venire to be issued in conformity with this territorial law, and that a venire was issued accordingly, but not served or returned. The record also shows that under an order subsequently made an open venire was issued to the federal marshal, which was served and returned with a panel of eighteen petit jurors annexed. These jurors were summoned from the body of the county at the discretion of the United States marshal.

The decision of the supreme court held that the act of the territorial legislature, presenting the mode of obtaining panels of grand and petit juries was obligatory upon the district courts of the territory; and therefore, since these laws of the territory had been set aside, not only in the Englebrecht case, but in many other criminal cases, under the McKean-Baskin regime, the Utah district court decisions were reversed, and the whole lawless procedure overturned; but the triumph of the cause of the people over the conspirators may not be clearly developed until the facts are considered which are presented in the chapter following this.

As to the Englebrecht case itself, after it "was reversed, it was again tried and the plaintiff recovered a judgment. And as it was doubtful whether even the original cost of the liquor could be obtained on execution, the plaintiff accepted the offer of the defendant's attorney to pay the original cost of the property destroyed."

It is only proper to say that Chief Justice McKean on his arrival found that his associate justices Strickland and Hawley, who preceded him into the territory by nearly a year,

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6. *Clinton vs. Engelbrecht*, 13 *Wallace Reports*, p. 434.

had already decided that the probate courts had no jurisdiction in criminal cases, and had set aside as invalid the territorial law respecting the selection of grand juries; and Mr. Wilson, preceding Judge McKean in the office of chief justice, about the same time, had decided in the case of *Orr vs. McAllister*, that Mr. Orr, the United States marshal, was the proper executive officer of the district court, and that McAllister, who was territorial marshal, was not.<sup>7</sup> It was not Judge McKean, then, who took the initiative in these several steps<sup>8</sup> that did such violence to the laws of the territory, and the principles of local self-government; his part was acquiescing in, and emphasizing them in harmony with these decisions, until suddenly and effectively halted in his mad, judicial career by dismissal from office.

#### THE POLICY OF JUDGE MCKEAN IN THE NATURALIZATION OF ALIENS

In the September term—1870—of Judge McKean's court, he rendered an important ruling that indicated his policy with reference to the naturalization of alien "Mormons" in the cases of John C. Sandberg, a Swede, and William Horsley, an Englishman. In the pursuance of his inquiries the judge asked whether or not they believed the act of congress of 1862, relating to "bigamy," to be binding upon them. Sandberg in substance replied that he regarded it as right under the law of God for a man to have more than one wife at the same time; Horsley refused to answer the question. Neither of them had more than one wife, but the judge refused them naturalization, and rendered the aforesaid ruling in the case.<sup>9</sup> It may be said in passing that there was no law cited

7. Baskin's *Reminiscences* The Englebrecht Case, ch. iv. Judge Wilson, who was not unfriendly to the "Mormon" people, as shown in preceding chapters, declared to Delegate Hooper in Washington that he had rendered this decision according to his best judgment, and had furnished the pro-"Mormon" lawyers "Brothers Stout and Snow," all his reasons for his rulings, that they might have every facility for carrying it up on appeal. (See Hooper's letter to George A. Smith, date of June 5th, 1870, *History of Brigham Young, Ms.*, 1870, vol. i, p. 948-952).

8. See *History of the Bench and Bar of Utah*, 1913, pp. 28-29.

9. "Sandberg," said the judge, "satisfied the court that he is not, and Horsley failed to satisfy the court that he is, a man of good moral character, attached to the

by the judge which justified his specific inquiry as to the practically inoperative law of 1862 about "bigamy;" and there was nothing in the laws governing admission to citizenship that required "the applicant to be well disposed to any special law of congress, though such law may be supreme." "If it did," said a prominent lawyer of the period, "it would require of him that which is not required of any natural born citizen. Every natural born citizen, though he has not the right to disobey a law to the principles of which he feels opposed, has an inalienable right, which cannot be bought nor sold, nor surrendered, to oppose a principle in which he does not concur, provided that opposition does not amount to a resistance of the law. The very basis of civil liberty permits all citizens, native or naturalized, to have a voice and to cause their opinions, honestly entertained, to be heard in the councils, territorial, state, or national, and seek to have modified or repealed, any law to which they are opposed.<sup>10</sup> It would seem anomalous to require the surrender of rights in an alien, in order to acquire citizenship, which are conceded to the native born citizen, and which would inevitably be the rights of the alien as soon as admitted to citizenship.

In January, 1871, three applications were made by men who upon inquiry of the court stated that they were polygamists, but that they had entered into that relation previous to the enactment of the special law of congress against bigamy in 1862, whereupon his honor in a ruling made upon their case declared that the "common law" was brought by the "Mormon" Pioneers to Salt Lake valley when they first entered it; that the "common law" held polygamy to be a crime; and therefore, the applicants for citizenship could not plead that since their plural marriages took place before the law of

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principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. The duty of the court is *plain*. These applications for naturalization must be rejected." (The decision in full is found in *Deseret News*, weekly, for Oct. 19th, 1870, p. 436).

10. Review of Judge McKean's decision in the Sandberg-Horsley cases, by Judge Z. Snow, *Deseret News*, weekly, of Oct. 26th, 1870.

congress in 1862, that they were not lawbreakers; and being lawbreakers, and under this ruling of the judge, "these applications for naturalization must be denied."<sup>11</sup> At the same time there is no principle or practice better established by authorities than "that there is no such thing as a 'common law' criminal offense under the laws of the United States." Under the practices of the federal courts of Utah, in this period, in the matter of naturalizing aliens, "no 'Mormon' need apply," might as well have been posted over the court entrance, unless he was willing to deny his religious faith.

#### THE TERRITORIAL PENITENTIARY PASSES INTO FEDERAL CONTROL

In August, 1871, control of the penitentiary, under an enactment of congress, January 10th, 1871, passed into the hands of the United States marshal, although it had been built, in part, by territorial funds and had always, up to that time, been under the control of the territorial marshal. United States Marshal Patrick would make only verbal demands for control of the institution to pass into his keeping, and the territorial warden, Mr. A. P. Rockwood, protested in writing to the surrender, both of the institution and of the prisoners who were engaged in labor and some of whom were kept in the city prison. For resisting the verbal orders of the marshal—acting under direction of Governor Woods—and insisting upon some written order from a court of jurisdiction in relation to one prisoner—Kilfoyle—serving a sentence for manslaughter and held at the city prison—suit was brought against City Marshal J. D. T. McAllister and Warden A. P. Rockwood for resisting an officer.

At the hearing before Judge Hawley the warden and city marshal were bound over to answer to the grand jury at the next term of the third judicial district. In the course of this hearing Acting United States Attorney Baskin interrupted to say that *his way* in taking possession of the prisoner Kilfoyle

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11. The ruling in full will be found in *Deseret News*, weekly, of March 8th, 1871.



would have been to put the guns of Camp Douglas upon the city, blow open the City Hall and jail, and force possession of the prisoner with bayonets.

A "COURT" SCENE IN UTAH—1871

The incident, as reflecting the spirit of the times, is worthy of a more detailed presentation. Mr. Thomas Fitch was representing the defendants before the court and in the course of his defense, speaking of Warden Rockwood, he said:

"All the defendant asked, as appears from the testimony, was an order of court. In his written protest, he says, 'I will surrender this convict on the order of some court of competent jurisdiction.' He deems himself invested by the legislature of the territory with certain duties and responsibilities; he has given bonds for the faithful performance of those duties and the discharge of those responsibilities. It is but little to ask, when he is called upon to divest himself of these responsibilities, and to cease to perform those duties, that he should do it on some demand more formal and some decision more binding than the construction of an act of congress made by the United States marshal. \* \* \* However, we have perhaps cause to congratulate ourselves that the guns of the fort have not been turned on the city, and the City Hall surrounded with cavalry, infantry and artillery, and the warden compelled at the point of the bayonet to surrender his prisoner."

*Mr. Baskin*—"That would have been my way to do it."

*Mr. Fitch*—"I presume that Mr. Baskin would have knocked the City Hall and city jail down?"

*Mr. Baskin*—"I would that!"

*Mr. Fitch*—"The acting law officer of the United States informs us that he would have 'let loose the dogs of war' had his advice been followed and his wishes consulted. And why were they not? Where was all the power which with all the pomp and parade of war once interfered to prevent by arms a peaceful parade episode of the previous July? Was it asleep? ashamed? or afraid?"

*Governor Woods* (who was seated on the right hand of Judge Hawley)—"Neither, my Lord!"

*Mr. Fitch*—"I am assured by the executive of the territory of Utah, who honors us with his audience and encourages the prosecution with approving smiles, that my surmises are incorrect. The executive of the territory, who perhaps agrees with the opinion once expressed by the present president of the United States, that 'the justices of the supreme court are members of the governor's staff' and who deigns to give to your honor, as his staff officer, the benefit of his protecting presence, while at the same time he stands ready to answer questions of defendant's counsel, whether he be the party interrogated or no."

*The Court*—"This discussion is becoming exciting and I shall not permit further remarks outside the case."

*Mr. Fitch*—"I beg your honor's pardon,—but I have not traveled out of the proper line of argument, except to comment upon interruptions, made irregularly by Mr. Baskin, and improperly by Governor Woods."<sup>12</sup>

Such was the spirit of the times. Indeed there seemed to be a settled determination to appeal to and use the military power in civil affairs on the slightest provocation, or even without justification at all. Such was the case in the employment of a military cavalry *posse* of regular troops in a midnight attempt at Provo and Springville on the nights of 10th and 12th of September, 1871, to arrest parties indicted by the grand jury for murder. There was no justification for the employment of the military *posse*, there was no likelihood of resistance to the civil authorities, it was a wanton display of excessive power on the part of the United States marshal. It greatly alarmed the people of the two towns, and awakened widespread resentment among the people of the territory, to such an unwarranted employment of military force.<sup>13</sup>

The federal officers in Utah were not all agreed as to the wisdom or the legality of the procedure invoked in Utah under this Shaffer-Woods-McKean regime. C. H. Hempstead, United States district attorney for Utah since 1868, refused longer to be connected with it. His resignation took place about the time of the opening of the September term of the

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12. See *Deseret News*, weekly, of Sept. 13th, 1871, where the court proceedings are given in full.

13. The men wanted were H. L. Davis and J. J. Baum. In the latter part of December, Baum had killed one Richard Brown, who had seduced and then refused to marry his niece, notwithstanding her pleadings with him to do so. It was not known at first who killed Brown. Harry L. Davis was accused of the crime; but during the inquest at Provo, when Davis was under examination, Baum entered the court room and confessed to the killing for the reason stated, and also for the further reason that Brown had threatened his life. The inquest court returned a verdict of justifiable homicide; and Baum and Davis were both released. A packed grand jury, however, got out an indictment against both Baum and Davis and their arrest was attempted as described in the text above. (See *Deseret News*, weekly, of Jan. 11th, 1871; also of 13th and 20th September, 1871; and Whitney's *History of Utah*, vol. ii, p. 592, note. Also *Deseret News* of Oct. 4th, 1871, where it is alleged that the death of Mrs. Davis was hastened by fright on account of the military "raid").

third judicial district, and was accepted by Judge McKean who immediately appointed R. N. Baskin to discharge the duties of that office;<sup>14</sup> and General George R. Maxwell acted as his assistant, both gentlemen were pronounced anti-"Mormons," and from them the McKean judicial policy could hope for strong support.

#### PROGRESS OF THE ANTI-"MORMON" CONSPIRACY

Considerable progress had now been made in the development of the evident conspiracy against "Mormon theocracy" in Utah. By Governor Shaffer's administrative act the commander of the Utah militia elected by the people according to the territorial law, had been set aside, and a new commander—P. E. Connor, of past anti-"Mormon" fame—had been illegally appointed by the governor in his stead; the probate courts had been stripped of their criminal jurisdiction—the courts of the people, in whose justice they had confidence; said courts were also, contrary to law, deprived of participation in the choosing of grand and petit jurors; the territorial marshal and territorial attorney had been rejected as officers in the federal courts in territorial cases; the juries, grand and petit, were to be selected by the United States marshal on open venire; it had evidently been determined that there would be no naturalization of "Mormon" aliens; the United States marshal would have charge of the penitentiary; the United States military—according to the recent Provo-Springville precedent—could be relied upon as a *posse comitatus* in aid of the regime.

In all this one cannot fail to see that the evident intention of the group of federal officials now in charge of affairs in Utah was to accomplish, without the sanctions of law, what the congress of the United States had refused to authorize

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14. See *Reminiscences of Early Utah*, Baskin, p. 38. According to Mr. Baskin McKean read from United States statute a provision which authorized a district judge, in case of a vacancy in the office of district attorney, to appoint a person to exercise the duties of the vacant office until such vacancy should be filled. Baskin consented to accept the appointment. (*Ibid*). Mr. Baskin had been the assistant to Mr. Hempstead for some time previous to this.

when it denied passage to the outrageous Wade, Cragin, and Cullom bills. Congress had refused to pass these measures, which would have turned Utah over to the rapacity of the hungry pack patriotically anxious to despoil her. But what congress had refused to grant by special enactment, the conspirators determined to take by means of assumed powers, and by the wresting of the law to their own vicious purposes. And those purposes? Undoubtedly the overthrow of the "Mormon" leaders; the breaking down of the political power of the "Mormon" people—the people who had redeemed Utah from a desert waste and given it to civilization—these people who, under American principles, were entitled to the sacred and guaranteed rights of self-government, under the national Constitution and the organic law of the territory—were to be despoiled of their political heritage; and with them thus disposed of, or limited in their rights, the conspirators, McKean, Woods, Baskin, Maxwell, *et al.*, were to bring Utah into the Union, themselves and associates to become the senators, representatives, governors, judges, etc.—in a word, become the ruling class in the new state, while the people of Utah would be blessed with the privilege of continuing to make the desert lands fruitful by their toil, and pay the taxes. Utah, under these bright prospects, looked like exceedingly "good picking" to the hungry horde of office-holding and office-hunting adventurers who had now beset her.

Let it not be thought that these are prejudiced "Mormon" views. The facts set forth in the foregoing paragraphs warrant the conclusions, and very many leading papers in the United States, east and west, charged the group of Utah and Washington conspirators with such designs. The *Omaha Herald*, for instance, in a leading editorial, speaking of this anti-"Mormon" conspiracy, said:

"This conspiracy began with the advent of the existing herd of federal mercenaries to Utah. It crystalized under the agitation of the Cullom bill which was drawn in Salt Lake. The object was to break down the political power of the people who had conquered Utah from



a desert waste into a beautiful garden. This was necessary to enable these malignants to occupy, possess and control it. With the fall of the Mormon power McKean, Woods & Co. were to bring Utah into the Union as a state, and become senators of the United States, and heroes in a land already suffering from a surfeit of such. The Cullom bill failed. Far-fetched edicts of the law, promulgated through stump speeches from the bench, likewise failed. The scepter, not yet grasped, was departing. Something must be done. Criminal statutes must be invoked. Proofs of crimes other than that of polygamy must be secured. But before this is permitted, in pursuance of a deliberate plan, decisions must be promulgated whereby, under a thin disguise, Mormons, on account of their religious beliefs and practices, must be excluded from juries which would be thus necessarily constituted of their deadliest enemies—men who would do the known wish, if they did not obey the actual behests, of their desperate masters. And this is but a brief outline of a conspiracy which aims, at whatever cost, to destroy men and institutions in a territory whose civilizing and industrial achievements are the admiration of mankind.”<sup>15</sup>

The following is from the *San Francisco Examiner* of about the same date:

“The whole thing [i. e. the ‘Mormon trouble’] is instigated by a ‘ring’ of Republican politicians, who are looking to the speedy admission of Utah as one of the states of the Union. These small fry, popinjay politicians, and would-be statesmen, know full well that they will have no show for promotion until the Mormon power is broken. Hence it is that they seek to create a civil war by means of packed juries, unprincipled judges and perjured witnesses. Of course, if they determine that no Mormon shall sit on a jury to try Young, as all were excluded from the grand jury, he will necessarily be convicted. Having the judge and marshal they can pack a jury to suit themselves. If they can send Brigham to prison, and induce the people to rise up and liberate him, and thus produce a conflict, Utah will be at once admitted as a state, and under the protection of federal bayonets, these mischief makers can have themselves elected senators, congressmen, etc., just as the thieving carpet-baggers did at the south. The whole affair is a disgrace to the American name. That a vile, little clique of corrupt politicians should be permitted to use the power of the government to embroil a peaceable community in civil strife, to gratify their personal greed for place and plunder, is an outrage upon decency, humanity, and justice.”<sup>16</sup>

#### THE STAGE SETTING FOR THE CONSPIRACY

In the several steps taken in the development of the conspiracy against “Mormon theocracy” the stage was exceedingly well set for what is immediately to follow.

15. *Omaha Herald* of Oct. 4th, 1871.

16. The *Examiner* article is copied into *Deseret News* of Oct. 25th, 1871.

At the September term of court, 1871, a territorial law passed by the legislature in 1852, to punish "adultery," and "lewd and lascivious association" was invoked in the crusade against "Mormon" polygamy. Of course the territorial statute was not intended by the Utah legislators to apply to polygamy; and there was now (in 1871) on the statute books the congressional law especially passed against "bigamy," to meet supposed conditions in Utah; but it was thought that more successful prosecutions could be made under the territorial than under the congressional law, since under the latter the plural marriage as well as the first one had to be proven in order to conviction. Besides the penalties of the territorial law were more severe than those of the congressional enactment.

The first victim of this new departure was one Thomas Hawkins. The territorial statute in question provided that "no prosecution for adultery can be commenced but on the complaint of the husband or wife." In the case of Hawkins, who had married a plural wife, under the sanctions of the "Mormon" church, the first wife entered complaint before the grand jury, and an indictment was found for violation of the act of the territory of 1852. On trial Hawkins was found guilty of "adultery" and sentenced to three years imprisonment and to pay a fine of \$500. He appealed his case to the territorial supreme court, but not being able to give the bond of \$20,000, demanded by the court, he was remanded to prison to await the time of hearing the appeal.<sup>17</sup>

#### THE INDICTMENT OF PRESIDENT YOUNG

The grand jury at the same term of court indicted President Brigham Young, but under a different section of the law, *viz*, section 32; which provided that "if any man and woman,

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17. The trial of the case appears in *Utah Reports*, for 1871. See also Baskin's *Reminiscences*, ch. v. It was a standing jest of the times that the pompous lecture given by the judge to Hawkins was greater punishment than the imprisonment and fine. (The speech of the judge will be found in the *Deseret News*, weekly, of Nov. 1st, 1871).

*not being married to each other*, lewdly and lasciviously associate and cohabit together \* \* \* every such person so offending shall be punished by imprisonment not *exceeding ten years*, and not less than six months, and fined not more than one thousand, and not less than one hundred dollars, or both, at the discretion of the court." Setting aside then the fact of the marriage of Brigham Young to his plural wives, by sanction of the "Mormon" church, the "packed" grand jury found an indictment against him for "lewdly and lasciviously associating and cohabiting with women, not being married to them."<sup>18</sup> On the second of October he was arrested upon this charge; and his arrest was followed quickly by the arrest of Daniel H. Wells, mayor of Salt Lake City, and President Young's second counselor; George Q. Cannon, editor the *Deseret News*, and Henry W. Lawrence, the last a leader in the late Godbeite movement.

A motion to "quash" the indictment was made by President Young's counsel on the plea that the grand jury was not legal, not being impaneled as provided by law either of the territory or of the United States; and that the inclusion of sixteen counts in one indictment, not being different parts of one offense, nor different statements of the same offense, or in any wise connected with each other—were illegal. The judge overruled the motion. It was on that occasion that Judge McKean used phraseology that has become somewhat famous in Utah annals, and which confessed the true inwardness of this whole court procedure at that time, and proclaimed the "mission character" of Judge McKean's appointment:

#### "A SYSTEM ON TRIAL"

"Let the counsel on both sides, and the court also, keep constantly in mind the uncommon character of this case. The supreme court of California has well said: 'Courts are bound to take notice of the political and social condition of the country which they politically rule.' It is therefore proper to say that while the case at bar is called *The People versus Brigham Young*, its other and real title is *Federal Author*

18. The indictment contained sixteen counts and charged as many offenses, extending from 1854, to the finding of the indictment in 1871.

*ity versus Polygamic Theocracy.* The government of the United States, founded upon a written Constitution, finds within its jurisdiction another government—claiming to come from God—*imperiam in imperio*—whose policy and practice, in grave particulars, are at variance with its own. The one government arrests the other in the person of its chief, and arraigns it at his bar. *A system is on trial in the person of Brigham Young.* Let all concerned keep this fact steadily in view; and let that government rule without a rival which shall prove to be in the right.”<sup>19</sup>

President Young was in court during the above hearing. When his counsel several days before had asked extension of time to prepare the case, and the fixing of bail—his client, however, was already nominally in charge of the United States marshal—the assistant prosecuting attorney, General Maxwell, objected. “He wanted the defendant to come into court to plead to the indictment. ‘The people,’ he said, ‘demanded that Brigham Young should appear in court the same as anybody else.’ The court granted the extension of time; \* \* \* but said the bail could not be taken until the defendant pleaded to the indictment.” So the defendant came into court to plead to the indictment; and such was the quiet and dignified bearing of the great Pioneer, that he won golden opinions from all who observed him that day.

Not even the *Salt Lake Tribune*, notwithstanding its anti-“Mormon” bitterness, and the fact that it was backing with all its might the proceedings of the anti-“Mormon” “ring” of Utah, could withhold its praise. In an editorial commenting on the court procedure of the day before under the title, “Brigham Young in Court,” the editorial said:

#### “THE LION OF THE LORD” IN COURT

“It was a decidedly novel spectacle yesterday afternoon to see the ‘Lion of the Lord’ sitting in the court room waiting for the coming of his earthly judge to try him. \* \* \* There can be no doubt that the president of the Church of Jesus Christ of Latter-day Saints made several very good points yesterday. His being there a quarter of an hour before

19. *Deseret News*, weekly, of Oct. 18th, 1871, p. 436. Formal exception was taken by President Young’s counsel to the prejudice-creating effect of this passage. (See signed communication in the *Court Record*, and *Deseret News*, weekly, of Oct. 18th, 1871).



Judge McKean, patiently waiting his coming, was very wisely arranged, and looked well on an occasion which opens a series of circumstances destined to form a chapter of history. His appearance in court, too, his quietude, and an altogether seeming absence of a spirit chafing with rage at being brought to trial, evidently made a good impression. If there was any malice against him before, the sight of Brigham Young, at least practically acknowledging the authority of the United States to try him, even for the highest crimes known in the law, and the respectful bearing which he put on, disarmed much of that malice. The moral effect of Brigham's appearance and the conviction of innocence which it produced, brought Major Hempstead to his defense, and he pleaded very powerfully in his behalf, occasionally throwing a spice of wit at the prosecution. The editor of the *Vedette*, [i. e. Major Hempstead—now President Young's counsel] who sought years ago to 'reconstruct and regenerate' Brother Brigham, yesterday afternoon, eloquently objected to the proposition to reconstruct and regenerate the prophet, and urged the indictment should be quashed. It is evident that President Young's thus coming into court, and his resolution to abide every trial, and contest the charges brought against him constitutionally, through his counsel, was the very wisest course he could have taken. It will divide people in his favor and bring many of the Gentiles to the help of Israel even as it has already brought two of their lawyers to the defense of the prophet. Perhaps there was more respect and sympathy felt for Brigham Young, when he left the court room, feeble and tottering from his recent sickness, having respectfully sat in the presence of his judge three-quarters of an hour, after bail had been taken, than ever there was before in the minds of the same men."

The arrest of President Young in any event would have created a sensation throughout the United States; but the misrepresentations attendant upon its announcement greatly intensified the sensation. For example, following are the scare headlines in the *New York Herald* of Oct. 1st, telegraphed from Salt Lake City by Oscar S. Sawyer, managing editor of the *Salt Lake Tribune*. It is to be observed that since these scare headlines appear in the *New York Herald* on the first of October, a day before the arrest of Brigham Young, the *Tribune* managing editor was evidently in the confidence of the prosecution as to the intended arrest of Brigham Young:

## SCARE HEADLINES OF EASTERN PRESS

## "BRIGHAM YOUNG HAS BEEN INDICTED"

*"On several charges, and it is also said that he is likely to be tried the coming week on one of the indictments."*

## "THE MORMONS ARMING"

*"The sale of muskets and ammunition continues, and it is reported that more arms than those bought at the recent government auction sale at Camp Douglas have been disposed of."*

## "EXCITEMENT AMONG THE SAINTS"

*"The feeling of the Mormon people as reflected by the church organs, the News and Herald, is unmistakably rebellious and warlike. The News, the official organ for Brigham Young, is extremely bitter and offensive. It advocates—*

## OPEN RESISTANCE TO THE LAWS,

*Libels United States officials, and endeavors in every way to incite the people to open rebellion. Under these influences many persons are sending off their wives and children to points where there will be no danger. The church organs are doing everything in their power to fire the Mormon heart, and the result cannot but be disastrous if the fanatical element is once aroused and fully loosed."*

All the parties arrested at this time were admitted to bail in the sum of \$5,000 each; and President Young, as had become his custom in late years, took his departure for St. George on the 24th of October, to spend the winter; but it was soon reported, and much discussed through the press of the country at the time, that he had "fled from justice." Meantime the president was filling a rather extensive itinerary in the settlements of the Rio Virgin valley, holding many public meetings and enjoying the friendship and hospitality of the people, of which he wrote to Elder George Reynolds under date of December 11th, 1871.<sup>20</sup>

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20. See *Millennial Star*, vol. xxxiv, January, 1872, p. 28.

## CHAPTER CXLI

"THE 'LIGHT' SAYS, RETURN"—A MIDWINTER JOURNEY FROM  
SOUTHERN UTAH—MCKEAN'S RULINGS OVERTURNED

QUITE unexpectedly, on the 20th of November, the very day on which it was said President Young started on his journey to the southern settlements, the prosecution called up the case of "The People *vs.* Brigham Young," Mr. Baskin saying that the prosecution was ready to proceed with the case. Defense asked for a postponement of the case to the March term "according to previous expectation." Mr. Baskin stated that from public rumor it was known that the defendant had gone outside the jurisdiction of the court and he should demand a showing and a forfeiture of his bond in case of his nonappearance. Mr. Hempstead, counsel for President Young, would be ready for trial whenever the court should set down the case. With the understanding of his counsel that a reasonable time would be granted for trial, the defendant had taken his usual winter journey to the south for the protection of his health against the severity of the northern climate. Mr. Baskin rebuked the counsel for so advising the defendant. Seven days later the court again took up the case, the prosecution insisting that they were entitled to the forfeiture of the bond; and the counsel for the defense asking that a reasonable time be given to bring defendant into court. Mr. Hempstead charged, though in negative form, that the prosecution by insisting upon the forfeiture of the bond only did it for the purpose of having it heralded abroad that Brigham Young had forfeited his bail and fled from justice. If the case could not be postponed until the March term, then the defense would ask for a day to be set as far in advance as possible. The court refused to declare the bond forfeited, *but set the day of trial one week from that time*—from the 27th of November, to the 4th of

December. As it was practically impossible for the defendant to be brought from St. George by that time, the bond for all practical uses might as well have been declared forfeited. It was in vain that counsel for the defense pleaded the impossibility of having the defendant in court by that time, and asked for two weeks instead of one. The court's answer to such pleading was, "*the day of the trial has been fixed for a week from today.*"

#### OBSERVERS OF THE TYRANNY OF THE COURT

Meantime things had been happening elsewhere. That afternoon when Judge McKean overruled the motion to quash the indictment against Brigham Young, and announced that a "system was on trial in the person of Brigham Young," United States Senator, Oliver P. Morton, of Indiana, and his party, which included the editor of the *Indianapolis Journal*, Mr. Fishback, the senator's social and political friend, were present. Under date of October 12th, and headed, "On The Pacific Road," Mr. Fishback wrote in his *Journal* the impressions upon the party of the McKean court proceedings as they witnessed them on the aforesaid afternoon. Excerpts follow:

"After a full and free conference with the leading Mormons, federal officers and business men of Salt Lake City, we predict that a dreadful civil war will soon be raging in this fertile region, resulting in the loss of thousands of lives, the expenditure of millions of public treasure, and the complete devastation of one of the most beautiful and thriving regions on the continent, unless the administration interferes with the schemes of the petty lords of misrule, who are doing their utmost to bring it about.

It is unfortunate for the nation that it is in the power of such men as Judge McKean and the deputy district attorneys, Maxwell and Baskin, to precipitate a collision between the federal authorities and the Mormons, in a contest in which the government occupies a false and untenable position. \* \* \*

We are convinced that the pending prosecutions are conceived in folly, conducted in violation of law, and with an utter recklessness as to the grave results that must necessarily ensue. How does the matter stand? There is a vacancy in the office of United States district attorney for the territory of Utah. Judge McKean has appointed two lawyers, Maxwell and Baskin, to act as deputies. These deputies boast that



they have instigated the prosecution and assume great credit for the disingenuous trickery by which they hope to force a conflict whose consequences they have not the capacity to measure or understand. It is much to the credit of President Grant's administration that these deputy prosecutors arrogate to themselves the entire credit of conceiving the disreputable trick to which they have resorted to effect their purpose."<sup>1</sup>

The *Journal's* "editorial correspondence" was widely quoted in the east, and did much to modify public opinion and call a halt upon the prevailing radicalism. It is also to be noted that in the consideration of Utah questions as they arose in the United States senate, in the following session of congress, Senator Morton, together with Senator Lyman Trumbull exerted their influence on the side of conservatism in dealing with Utah affairs.<sup>2</sup>

#### A NEW UNITED STATES DISTRICT ATTORNEY FOR UTAH

Early in November, George C. Bates was appointed by President Grant to be United States district attorney for Utah, succeeding the unlawfully, but McKean-appointed R. N. Baskin. He arrived in Salt Lake City on the 30th of the same month. On the 4th of December, the day set for the trial of Brigham Young, and the defendant not being present in court, Mr. Bates moved the forfeiture of the bonds, the defense, of course, protesting. Judge McKean refused to grant the motion to forfeit the bond, and adjourned the court to the 9th of January, but not before Mr. Bates had served notice that on that date he would call up the case of "The People vs. Brigham Young," and press it for trial.<sup>3</sup>

President Young, while visiting the settlements in the Rio Virgin valley, had, of course, been kept informed relative to the progress of things in the north, and the question arose as to the wisdom of his returning to Salt Lake City to face his

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1. The letter is published in full in *Deseret News*, weekly, of Nov. 8th, p. 464.

2. See *Congressional Record* of 1872, *passim*.

3. The minutes of the court's session are given in full in *Deseret News*, weekly, of Dec. 6th, 1871, p. 515.

enemies, for it was known, as will appear presently, that more formidable charges were to be met than the silly one of "lascivious cohabitation." There was a general feeling among the brethren that it would be best for him not to return to fall into the hands of his enemies, but the impression of the "Spirit" upon President Young's mind was that it would be best for him to return, and accordingly preparations were made to that end, and on the evening of the 17th of December (Sunday) after holding public meetings in St. George, the northward journey was begun.<sup>4</sup>

#### THE WINTER JOURNEY—INCIDENTS ON THE WAY

The second day's journey brought them to Kanarra, in Iron county. Here they met the veteran life guard of the Prophet Joseph Smith, John D. Parker, "who wept like a child because President Young was going back to face his enemies in the court room, which he considered an act of madness." "This feeling was very general with all the people the party conversed with as they passed through the southern country," says the journalist of the party; "but President Young told the people that God would overrule all for the best good of Zion."<sup>5</sup>

It is common knowledge to those who were closely associated with President Young in his career, that he was greatly influenced, and often against his own judgment, by what he called "the Light"; doubtless the inspiration of God to his mind. He would say when matters were up for consideration, "Brethren, the 'Light' says so and so," which was generally the end of argument. So now on this question of his returning to face his enemies, he had said "*The 'Light' says, Brigham, return.*" The application of this guiding principle in the present instance is made upon the statement of William R. Smith, president of the Davis stake of Zion, to the author,

4. *History of Brigham Young, Ms.*, 1871, vol. ii, p. 2051. President Young was accompanied by his first counselor, George A. Smith, William Rossiter, telegraph operator, R. T. Burton, Charles and A. F. McDonald, John Henry Smith, Amelia Young, and Bathsheba W. Smith, wife of George A. Smith. (*Ibid*).

5. *Ibid*, p. 2076.

President Young having related his experience in the above instance to William R. Smith.<sup>6</sup>

At Cedar, on the 20th of December, the President's party was met by Orrin P. Rockwell, Joseph A. Young, son of President Young, Orson Arnold—the one man wounded in the “Echo Canon War,”—it will be remembered; he came to act as President Young's teamster. Beaver was made by the 21st, and up to this time the weather had been mild. It was the intention of the party to make an evening drive to Cove Fort, but as the teams were being set to the vehicles a blinding snowstorm came on and the drive was abandoned. This proved fortunate, as Elder Musser who went on in the evening with the Pioche mail stage had to walk all the way facing a storm. Several times the road was lost. General Connor was a passenger on the coach, he expressed himself strongly against the prosecution of Brigham Young, and offered to sign bonds to the extent of \$100,000 in favor of Brigham Young if he could be admitted to bail.<sup>7</sup>

The next day the president's party drove to Cove Fort. About a foot of snow had fallen in Wild Cat Pass, and in Pine Valley Mountains. Telegraph wires were down. At Cove Fort the party was joined by Culbert King and five others from Millard county, bringing fresh horses to break the road through the snow if needed. *En route* to Fillmore,—the old territorial capital—“through Dog valley, the storm was so fierce as to render it very difficult to see the animals or keep the road. Luckily, however, the wind was from the south; roads extremely muddy.” The party learned at Fillmore that it had taken the stage 29 hours from Fillmore to Nephi—62 miles. Telegraph communication was interrupted north of Nephi.<sup>8</sup>

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6. President Smith was born August 11th, 1826, near Farmersville, Ontario, Canada. His father was a native of New England; and his mother, Mary Reed, was the daughter of Major Reed of the British army. President Smith died Jan. 16th, 1894.

7. *History of Brigham Young, Ms.*, 1871, vol. ii, pp. 2101-2.

8. *History of Brigham Young, Ms.*, 1871, p. 2120.

At Round valley the party picked up telegraphic communication with Salt Lake City, "ascertained the coast was clear; roads ahead muddy. Several brethren accompanied us temporarily supplying the places of some of the weaker animals with their fresh horses. President Young's horses were led."<sup>9</sup>

On the 26th President Young left the rest of his party and started from Nephi at 6:30 a. m., riding with Bishop John Sharp in an open buggy. The bishop had joined the party at Nephi. They faced a severe storm from Nephi to Payson, in Utah county; thence drove to Provo; and later to Draper, the terminus, at that time, of the Utah Southern Railroad. Here they were met by Daniel H. Wells and others, with a special train, which carried them to Salt Lake City, arriving at about 11:45 p. m. on the 26th of December.<sup>10</sup> Such the journey of 350 miles in midwinter, which Utah's great Pioneer made at the age of seventy-one to face his enemies in a United States court!

#### THE FALSE CHARGE OF "MURDER"

It was not to meet the petty charge of "lascivious cohabitation" that this journey of President Young's was made; but, as already suggested, he had learned that there existed a more serious charge against him, that of "*murder.*" In the previous November he had been jointly indicted with D. H. Wells, mayor of Salt Lake City, and others, for the "*murder*" of one Yates, during the "Echo Canon War." Mayor Wells. Hosea Stout, formerly attorney-general of the territory, and W. H. Kimball, had been arrested on the 28th of October, on the same charge. The mayor was sent a prisoner to Camp Douglas, where he was taken in charge of General Morrow.<sup>11</sup>

9. *Ibid*, p. 2153.

10. *Ibid*, p. 2158.

11. It was only over Sunday, however, that he was detained at the camp where he was more the guest of General Morrow than his prisoner, "at whose table he ate with the general and Mrs. Morrow, at whose respectful request the honored prisoner asked a blessing over the food." (Tullidge's *History of Salt Lake City*, p. 546).



Two days later he was admitted to bail in the sum of \$50,000. The prosecution resisted the mayor being admitted to bail, but to the surprise of the other officers of the court, and the large audience in attendance, Judge McKean admitted Mayor Wells to bail; and when the prosecuting attorney (Baskin) insisted on \$500,000 as the bond, the court sharply answered—"No, the defendant will give bail in the sum of \$50,000."

The announcement by the judge that the prisoner [Wells] would be admitted to bail brought forth hearty applause in the court room, for nobody supposed that bail would be allowed in any sum. Indeed, the counsel for the defense thought it useless to make the application for it. "It was Mayor Wells himself who prompted Mr. Fitch to apply to the court of Judge McKean for a writ of *habeas corpus* to be brought before the court to be held to bail. Mr. Fitch said it would be in vain; Judge McKean would not grant the bail; but the mayor persisted in the inward prompting that "*the Lord would interpose*," and thus spurred by the faith and judgment of the prisoner, counselor Fitch sat down Saturday night and all day Sunday to his work and prepared one of the most masterly efforts of his life, which, strange to say, Judge McKean prevented in its delivery by granting the bail. The applause in the court room was as genuine as the surprise was great, from non-"Mormons" as well as "Mormons."<sup>12</sup>

The other parties to the alleged crime were not admitted to bail. Acting United States District Attorney Baskin planned the indictment and arrest of Brigham Young on this charge of "murder," on the strength of the confessions of the notorious "Bill Hickman," who had confessed to some eighteen or twenty murders.<sup>13</sup> In his recently published *Reminiscences*<sup>14</sup> Mr. Baskin states that sometime before his appointment by Judge McKean, he had private interviews

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12. Tullidge's *History of Salt Lake City*, p. 545.

13. See Beadle's *Brigham Young's Destroying Angel, Being the Life, and Confession of "Bill" Hickman*, 1872.

14. *Reminiscences of Early Utah*, by R. N. Baskin, ex-chief justice of the supreme court of Utah, June, 1914.

with Hickman, for whom warrants of arrest were out, and who, to him, made confession of a number of murders. Hickman at the request of Mr. Baskin consented to go before the grand jury, and Baskin handed to Major Hempstead the statement of the self-confessed murderer, with the announcement that Hickman was ready to go before the grand jury.<sup>15</sup> It was at this point that Hempstead resigned and Baskin was appointed by McKean to fill the vacancy.<sup>16</sup> By becoming acting United States district attorney, Mr. Baskin had the opportunity of doing what he had urged upon his predecessor to do, and hence the indictments for murder against Brigham Young *et al.*, upon the confessions of Hickman, with alleged "statements of other persons to me [i. e. Baskin, which nowhere appear] tended to corroborate his confessions."<sup>17</sup> This, as well as the cases of "lewd and lascivious cohabitation," was Mr. Baskin's work.

Mr. Baskin knew that the indictment of Brigham Young would cause great excitement, and if a "collision occurred it would be at the time Brigham was arrested on the charge of murder." "To meet such a contingency," he writes, "the United States marshal had appointed about one hundred deputies, most of whom had been soldiers in the Civil War, and General De Trobriand, United States commander at Camp Douglas, had been ordered to furnish upon the request of the governor, a *posse* of soldiers to aid the marshal."<sup>18</sup>

Finally the *coup de main* in the arrest of Brigham Young on the charge of "murder" was ordered for Monday, the 20th

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15. Baskin's *Reminiscences*, pp. 36, 37.

16. *Ibid.*, pp. 37-38.

17. *Ibid.*, p. 37.

18. The matter of securing troops to aid in these arrests evidently went beyond Camp Douglas. A press dispatch from Washington, under date of Oct. 31st, said: "At the cabinet meeting today the subject of the Utah prosecutions was considered, and it was determined that if necessary more troops will be sent to that territory. It is known that some of the Federal officers asked for troops to aid in making arrests, but this was considered to be inexpedient, unless resistance should render additional force necessary." (See *Deseret News* of Nov. 1st, 1871).

of November, but President Young by that time was in St. George, and the *coup de main* was a failure.<sup>19</sup>

It was this failure of the *coup* that was the cause of the irascibility of the acting district attorney when he called up the case of "lascivious cohabitation" against Brigham Young on the 20th of November, and insisted upon the forfeiture of his bond. He had been defeated in his larger plot against the man he had chosen for his judicial victim.

#### BRIGHAM YOUNG IN COURT

It was a dramatic incident when, in the afternoon of the 2nd of January, 1872, Brigham Young accompanied by his counsel, Messrs. Hempstead, Fitch, *et al.*, and a large number of friends, walked into the court presided over by Judge McKean. His application through counsel for admission to bail was being considered when he and his friends entered the court room. A certificate of Dr. W. F. Anderson—stating that he was the attending physician of Brigham Young, and that confinement would in all probability prove fatal to him in the present feeble state of his health, and at 71 years of age—was read. The new prosecuting attorney, Mr. Bates, made no objection to bail being allowed. Mr. Baskin by now had been eliminated,<sup>20</sup> hence Mr. Bates could say, as he did say, that "he stood there as the sole representative of the United States in this motion. He held that it was left to the discretion of the court as to whether bail be granted or not; bail, however, had been granted in instances 'equally important with this case,' and the district attorney referred to the cases of Aaron Burr, and Jefferson Davis. But if bail were granted,

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19. Mr. Baskin represents that it was the Sunday night previous to his planned *coup* that President Young secretly left Salt Lake City (see *Reminiscences*, p. 55), whereas the president's letter to Elder Reynolds, written from St. George on the 11th of December, shows that previous to the 20th of November there had been an extensive itinerary performed along the line of settlements on the *Rio Virgin*. (See *Millennial Star*, vol. xxxiv, p. 28).

20. Although Mr. Baskin became the assistant district attorney by appointment from Washington, it soon became apparent that the district attorney and his assistant were not in harmony with each other, and Mr. Baskin resigned. (*Reminiscences*, p. 57).

he should demand that it be in the sum of \$500,000." The judge declined to admit the defendant to bail; but granted him the privilege of selecting one of his own houses, and placing it at the disposal of the United States marshal, if he should so elect, and defendant might be detained there under custody of the marshal until the time of trial.<sup>21</sup> And this was done.

#### OTHER ARRESTS AND JUDICIARY DIFFICULTIES

In addition to the arrests already noted during this period, and under Baskin-Maxwell's excessive activity, a number of others, including some of the city officers—Alexander Burt, chief of police, and B. Y. Hampton, one of the force, being among the number—were arrested on a charge connecting them with the J. King Robinson murder. They were detained in the city prison at first, but afterward were removed to Camp Douglas. According to the statement of Mr. Bates published by the *New York Herald's* Washington correspondent, under date of January 25th, about twenty prisoners were confined at Camp Douglas, at great expense to the government.<sup>22</sup>

Meantime the judicial crusade was meeting with insurmountable difficulties. The judges in Utah had declared the district courts to be United States courts, as well when trying cases under territorial statutes as when trying cases under federal statutes, and the United States a party to the cause; and that the proper officers of such courts were always the United States district attorney and the United States marshal. The department of justice at Washington, however, did not take this view of the case, and when the bills for expense of these "United States courts" and their "officers" were presented, they were not allowed.<sup>23</sup>

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21. Proceedings of the court in this case are published in *Deseret News*, weekly, of Jan. 10th, 1872, p. 599.

22. The *Herald* article is copied into *Deseret News* of Feb. 21st, 1872.

23. "The United States comptroller," said district attorney Bates, in a letter to Senator Lyman Trumbull. (Dec. 30th, 1871), "disregarding the ruling of our



Congress was appealed to, and asked to make a special appropriation to cover the expense of these courts, but congress is slow in such matters.<sup>24</sup> United States marshal, Mr. M. T. Patrick, applied personally to the territorial auditor, William Clayton, for funds with which to pay court expenses, but that functionary after applying in writing to the attorney-general of the territory for instructions received a written opinion in which law authorities are cited at length to show that the territorial marshal alone was authorized to draw the warrants for these expenses, and his authority to do that limited to the expenses of territorial courts. Auditor Clayton answered accordingly.<sup>25</sup> The indebtedness of the courts by this time amounted to \$15,000; the greater part of which, owing to the anti-"Mormon" zeal of the United States marshal, Mr. M. T. Patrick, had been advanced by him. The rest was due to jurors and witnesses.<sup>26</sup>

The only territorial officer authorized to direct the payment of court expenses—territorial marshal—the federal judges had ruled out of existence;<sup>27</sup> and the territorial legislature could not be expected to pay the expenses of courts and their officers, when the federal judges in their decisions had annihilated them. A deadlock therefore had been brought about by the oversmartness of the federal crusaders, and Mr. Bates was compelled to ask—the United States attorney-general at Washington directing him to do so—for a continuance of the twenty odd cases then pending, to the March

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supreme court here [Utah] decides that all these offenses are against *territorial laws*, to be punished only in territorial courts, by territorial officers thereof, and that the United States treasury must not and shall not pay a penny of these costs. The result of which is that all jurors and witnesses' fees and contingent expenses of these courts for the last year are unpaid, and there is not now a cent to pay them either for the past or future." (Copied into *Deseret News* of Jan. 17th, 1872).

24. The whole correspondence and opinion as submitted to the legislature is published in *Deseret News*, weekly, of Feb. 7th, 1872.

25. This whole matter with the official correspondence between Mr. Bates and the department of justice, was by him, early in January, brought into the third district court, presented and made part of the Court Record. It is published in full in *Deseret News*, weekly, of Jan. 17th, 1872.

26. *Ibid.*

27. See letter of John D. T. McAllister, territorial marshal, under date of March 14, 1871.

term, by which time it was hoped congress would have provided the necessary means for carrying on these prosecutions.<sup>28</sup> In the preceding March term Judge McKean had been compelled to dismiss the grand and petit juries for the reason that there was no way in which payment of their *per diem* allowance could be made; and at the same time he stated that there was then on the docket of his court "awaiting trial, civil cases involving millions of dollars." To such a pass had the cunningly planned judicial crusade brought civil and criminal affairs in Utah.

Judge McKean in an address to the grand jury had said: "The high priesthood of the so-called Church of Jesus Christ of Latter-day Saints, who control the assembly, and all the officers of, or who are elected by, the assembly, refuse to permit the expenses of the United States courts to be paid unless they are allowed to control those courts." Marshal McAllister in the letter above cited (footnote 27) answered: "I alone have refused the funds for the payment of United States officers and expenses of the courts when doing United States business. If his honor wants to hold courts for territorial business he should order venires to be placed in my hands. I then will summon, according to law, by drawing from the ballot box of each county the names of jurors certified to by the clerk of the county; such jurors so drawn, lawful, good, and true men, can get their *per diem*, and the expenses of the courts paid." The marshal also said that he had always had funds—had then—to pay expenses of the district courts for the territory, and the assembly "allowed all my bills for 1869, something over four thousand six hundred dollars."<sup>29</sup>

Judge McKean's address to the grand and petit jurors was a very bitter document, and fairly hisses with the malice and hatred this judge bore to the Church of the Latter-day

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28. The court proceedings in these matters will be found in *Deseret News* of Jan. 17th, 1872.

29. See *Deseret News*, weekly, of March 22nd, 1871, both for the judge's address to the jury and the marshal's letter.

Saints. All the embarrassment and hindrance to the "crusaders" against "Mormon theocracy," he charges to the "high priesthood of the so-called Church of Jesus Christ of Latter-day Saints."<sup>30</sup>

The United States district attorney, Mr. Bates, expressed the hope, however, when describing the state of things judicial in Utah—and this in open court—that "the territorial legislature which meets today, will see the propriety on their own part, of providing funds in order that their leaders may be vindicated if unjustly accused, and punished if guilty, of the high crimes charged against them."<sup>31</sup> The legislature remained obdurate to this and all other appeals upon the subject.

About this time District Attorney Bates, at the request of the United States attorney-general at Washington, went to the capital to advise the department of justice with respect to conditions prevailing in Utah.

#### JUDICIAL DIRECTION FROM WASHINGTON REJECTED

Soon after his arrival in Washington, and after communication with the attorney-general, and by the latter's direction, Mr. Bates telegraphed to his deputy, James L. High, to move the third district court to admit to bail all the prisoners under arrest, and awaiting trial. Mr. High, relying on this authority, which he produced before the judge in chambers, made the motion for bail in each case—including, of course, President Young's. "In behalf of the government, and in the name of the attorney-general of the United States," said he, "I make this motion." The answer of the judge was—"I refuse to admit these prisoners to bail." In his ruling he declared that the granting of bail in these cases would establish a dangerous precedent; that there were reasons which could not "be made public why these prisoners could not be admitted to bail," and which he held Mr. Bates could not have communicated to the attorney-general. Indeed the judge

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30. *Ibid.*

31. *Ibid.*

openly and from the bench accused Mr. Bates with having made "serious misstatements," in other particulars, in regard to affairs in Utah. "I am placed here to decide under the laws all judicial questions that shall arise in this district court," said the judge, "and were I now to shrink, or swerve from a plain duty, it is not improbable that the irresponsible magistrate called 'judge lynch' would assume the seat which I would thereby have proved myself unworthy to hold."<sup>32</sup> It is evident that the judge thought his position an heroic one.

It was doubtless such representations as the one in the above paragraph, supplemented as they were by the influence which Rev. Newman still had with President Grant, that led to the request for the resignation of Attorney Bates; a request which that gentleman refused to comply with, however, on the ground that there were no charges brought against him.<sup>33</sup>

#### JUDGE MCKEAN'S PROCEDURE OVERTHROWN

Such were the conditions in Utah, judicially, when there came over the wires from Washington the message that the supreme court of the United States had reversed the decision of the supreme court of Utah in the Engelbrecht case. The dispatch thus summarized the decision:

*"Jury unlawfully drawn: summonses invalid; proceedings ordered dismissed. Decision unanimous. All indictments quashed."*

The decision was written by Mr. Chief Justice Chase and will be found in *13 Wallace Reports*, pp. 659-63. The *New York Tribune* thus summarized the effect of the supreme court's decision:

"The effect of this decision is to make void all criminal proceedings in the territorial courts of Utah during the past year [eighteen months],

32. The proceedings in chambers are published in full with the ruling in *Deseret News*, weekly, of Feb. 11th, 1872, p. 9.

33. "In this connection," said a Chicago dispatch of March 11th, 1872, to the *Salt Lake Daily Herald*, "it may be stated that Dr. Newman had an interview recently with the president; wherein the latter was urged to persist in the prosecution of the Mormons, as the country would not endorse any compromise with the anomalous condition of affairs in Utah. Dr. Newman ended by stating that Bates' resignation should be demanded both as a matter of policy and justice."



and render necessary the immediate discharge of 138 prisoners who have been illegally held, at an expense of from \$40,000 to \$50,000, which there is no law to provide the payment of, and to affect in the same way all civil cases in which exceptions were taken to the legality of the juries. It is said that 20 or 30 of these civil cases have been appealed to the supreme court. The decision is considered as very damaging to the national administration, as Judge McKean was supported in the course he took by the president, though Attorney-General Williams was always of opinion that the proceedings in Utah were illegal. The prosecution of the Mormons was known to be a distinctly administration measure, set on foot by the advice of the Rev. Dr. J. P. Newman, after his return from Salt Lake, where he went to discuss polygamy with some of the prominent saints."<sup>34</sup>

On April 20th, to counteract the lying press dispatches sent out from Salt Lake City, reporting great excitement, and representing that the "Mormons were turbulent and threatening," nine prominent non-"Mormons" in business and professional life joined in a dispatch to Delegate Hooper at Washington declaring there had been no excitement over the decision of the supreme court. "As all the citizens here know the aim of the press agent is to create excitement, or make it appear to exist, to provoke congressional action." Then the signatures. Shortly after this, special telegrams were sent to the *San Francisco Chronicle* and the *New York Herald*, from the crusaders, representing that the excitement in Salt Lake City was great, "*bloodshed is imminent*," etc. This brought forth a joint telegram signed by twenty-seven prominent Gentiles, among whom were Warren Hussey, First National Bank; Theo F. Tracy, Agt. Wells Fargo; B. M. DuRill, Pres., Salt Lake City National Bank; "saying that the aforesaid dispatches to the *Herald* and *Chronicle* were not true;" and in addition affirming that "life and property are today as secure in Utah as in any state or territory in the Union. \* \* \* It is matter of deep regret amongst all classes of business men in this territory, that the special dispatches sent from this city

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34. The *New York Tribune* article is copied in the *Millennial Star*, vol. xxxiv, pp. 297-8.

to the east are for the most part inaccurate and intensely irrational.”<sup>35</sup>

The comments of the press in condemnation of the course of Judge McKean and suggesting and demanding his release would make a volume. The *Omaha Herald*, which throughout had condemned the anti-“Mormon” regime, and stood up for the rights of the Latter-day Saints in Utah, could now indulge a little railery on the change which had come over the press of the country:

“It would be amusing if it were not so utterly ridiculous and absurd, to see Chicago, and other papers, now that the highest tribunal in the land has exposed the wicked conspiracies and infamies of McKean & Co., in Utah, clamoring for his removal. After doing all they could to egg him on in his lawless course, now that he is crushed they affect the most empty indignation over his past course and present discomfiture.”<sup>36</sup>

#### THE VICTORY IN UTAH

The effect of the decision in Utah, though tremendous, was unattended by any excitement, or extravagant conduct whatever, the press dispatches of the period to the contrary notwithstanding. A great relief came to the territory, and to the Latter-day Saints especially. All the evil and malicious schemes of the crusaders against “Mormon theocracy” during the past two years were overthrown. The right of an American community to something like local self-government under the Constitution, and the organic act, and the laws, was maintained. They were not to be the helpless victims of scheming adventurers and worn-out political hacks sent into their midst as federal officers. The taunts of the latter and their jeers were at an end; their whole course was now decided to have been illegal.

At first there seems to have been a very frank willingness on the part of the Utah federal officials to accept the con-

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35. Both dispatches referred to above with the signatures will be found in *Deseret News*, weekly, the first in the impression of May 1st, 1872, p. 178; the second, in May 8th, p. 188.

36. *Omaha Herald*, copied into the *Deseret News*, weekly, of April 24th, 1872, p. 153.

sequences of the supreme court's decision as affecting the release of prisoners. "Upon receipt of a certified copy of the decision of the supreme court," wrote Mr. James L. High, assistant United States attorney for Utah, to Judge Z. Snow, attorney-general of the territory, "I shall move the immediate discharge of all prisoners now in the custody of the United States marshal in this district."<sup>37</sup> There seems, however, to have been some delay in carrying out this plan, and Brigham Young sought release by writ of *habeas corpus* before Elias Smith, probate judge of Salt Lake county; and on the 25th of April the court ordered his release.<sup>38</sup> For some time in Utah the supreme court's favorable decision had been anticipated. It was expected that it would be delivered soon enough to bring about the release of President Young in time for him to attend, as a free man, the annual conference which began on the 6th of April. The conference was continued until the 9th, but the hoped-for decision was not made. An adjournment was taken to Sunday the 14th. The decision was not yet announced and adjournment of the conference was taken to Sunday the 21st. By this time the joyful announcement of the decision was made, but the prisoners were not immediately released, as had been the hope of the saints in the event of a reversal of the Utah court. Oh, "the laws' delays!" Oh, "the insolence of office!" The conference adjourned to meet on the 28th, then came the release by writ of *habeas corpus*, and the attendance of President Young at both the morning and afternoon sessions of the conference.

President George A. Smith said "he had fully determined to adjourn conference from one Sunday to another until President Young could attend, if it had to be prolonged until next October."<sup>39</sup>

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37. The assistant attorney's letter and Judge Snow's answer will be found in *Deseret News* of May 1st, 1872.

38. The Court Record of the case is published in *Deseret News*, weekly, of May 1st, 1872. The other prisoners, held at Camp Douglas, were released by action of the third district court five days later. (*Ibid*).

39. Minutes of Conference, *Deseret News*, weekly, of May 22nd, 1872.

In the morning meeting President Young exchanged greetings and carried on a colloquy with the congregation, which responded as with one voice. This was his salutation:

"A word to the Latter-day Saints: Good morning. (Congregation responded, 'Good morning'). How do you do? (Congregation replied, 'Very well'). How is your faith this morning? ('Strong in the Lord,' was the response.) How do you think I look after my long confinement? (Congregation replied, 'First rate'). I do not rise expecting to preach a discourse or sermon, or to lengthen out remarks, but I will say a few words to you. The gospel of the Son of God is most precious. My faith is not weakened in the gospel in the least. I will answer a few of the questions that probably many would like to ask of me. Many would like to know how I have felt the past winter, and so much of the spring as is now past. I have enjoyed myself exceedingly well. I have been blessed with an opportunity to rest; and you who are acquainted with me and my public speaking can discern at once, if you listen closely to my voice, it is weak to what it used to be, and I required rest. I feel well in body and better in mind. I have no complaint to make, no fault to find, no reflections to cast, for all that has been done has been directed and overruled by the wisdom of him who knows all things. As to my treatment through the winter, it has been very agreeable, very kind. My associate, my companion in tribulation [i. e. the officer detailed as his guard], I will say, has acted the gentleman as much as any man could. I have not one word, one lisp or beat of the heart to complain of him. He has been full of kindness, thoughtful, never intruding, always ready to hearken and, I think, in the future, will be perfectly willing to take the counsel of his prisoner. So much for Captain Isaac Evans. \* \* \* I have no reflections to cast upon these courts. How much power, ability, or opportunity would I have to possess, do you think, if all were combined, to disgrace them as they have disgraced themselves? I have neither the power nor ability, consequently I have nothing to say with regard to their conduct. It is before the world, it is before the heavens continually."<sup>40</sup>

At the close of the afternoon session President Young closed the conference with an impressive, impromptu benediction, that, as showing the spirit and character of the man under the stress through which he had just passed, is worthy of place here:

#### BENEDICTION

"I bless you in the name of Jesus Christ, as apostles, with all that pertains to you; as high priests, as seventies, as elders, as bishops, as

40. Minutes of the Conference in *Deseret News*, weekly, May 1st, 1872.



priests, teachers and deacons. I bless you in the name of the Lord Jesus Christ. I bless you, my brethren and sisters, you that are parents, also the children. I bless you as musicians, as a choir to make music for us, and those who play on instruments. And I bless you strangers, and say unto you, peace be to you, as well as to the saints, in good words, in good actions, in a good life to serve the Lord our God. I crave blessings upon the good everywhere, among all the nations, kindreds, tongues, peoples, sects and parties, wherever the honest and the pure in heart are found. God bless them, and I say peace to you from henceforth and for ever! Amen."<sup>41</sup>

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41. Minutes of the Conference, *Deseret News*, weekly, of May 1st, 1872.

## CHAPTER CXLII

JUDICIAL CRUSADE, 1872-1877—BATES-McKEAN EMBROGLIO—  
OFFICIAL CORRUPTION AMONG UTAH FEDERAL OFFICIALS

THE natural order of things following the supreme court's decision would have been the retirement of Judge McKean, by resignation or removal; but notwithstanding efforts were made to bring about his removal President Grant still sustained him. Fidelity to friends, even when in the shadow of disgrace, was a virtue run to seed in the great general, then the president of the United States, and McKean's official life in Utah was prolonged for some time, to come later, however, to a more inglorious ending. Before the reversal he received by the decision of the supreme court in the Englebrecht case, Judge McKean had enjoyed special privileges in the matter of a hearing before the American people. Mr. Godbe had been induced by Mr. T. H. B. Stenhouse, who, as before noted, had been a member of the *New York Herald* staff, to import to Salt Lake City a Mr. Oscar G. Sawyer, also connected with the *New York Herald* staff, to take editorial management of the *Mormon Tribune*, organ of the schismatic "Mormon" elders led by Godbe, which soon after Sawyer's arrival dropped the prefix "Mormon" and became simply *The Tribune*, and bitterly anti-"Mormon." Mr. Sawyer was retained by the *New York Herald* as its Utah correspondent with well-nigh unlimited telegraphic space at his command. Mr. Sawyer could thus through that, at the time, prince of New York journals, practically control public opinion in the United States. According to the statement of Mr. Tullidge, in his *History of Salt Lake City*, at the time here referred to, was a member of the *Tribune* staff, and cognizant of all its affairs as being an associate with the founders of the *Tribune*,—according to Mr. Tullidge—it was the custom of Mr. Sawyer to allow Judge McKean to write editorials for the *Tribune* supporting his

own court decisions. A few excerpts from Mr. Tullidge's statement is at this point enlightening:

THE "EDITOR" SUSTAINS THE "JUDGE:" THE RIGHT HAND  
WASHES THE LEFT

"It was a matter of great importance to Chief Justice McKean and the United States prosecuting attorneys, with such a program as they had designed to execute in 1871-2, to have the *Salt Lake Tribune* under their dictatorship and in their service, with the understanding, not only among journalists in the eastern and western states, but in the mind of President Grant and his cabinet, that the *Salt Lake Tribune* was the organ of the seceding Mormon elders and merchants. With this explanation, be it repeated, Chief Justice James B. McKean was permitted by the managing editor, Oscar G. Sawyer, to write editorials for the *Salt Lake Tribune*, sustaining his own decisions; while Sawyer, as shown in his telegrams to the *New York Herald*, relative to the arrest of Brigham Young and the alarming circumstances of the hour, could communicate the secrets of the grand jury room, and the business marked out by the judge and prosecuting attorneys for the coming week, his telegrams dated three days before the indictments were made known to the Salt Lake public and the arrests effected. With this power in their hands to create public opinion not only in Salt Lake City, where it would have been comparatively of little consequence, but in the eastern states, and in the *sanctum* of the White House, the judge and prosecution, who were arraigning 'Polygamic Theocracy' and trying 'a system in the person of Brigham Young,' held a most unlawful advantage."<sup>1</sup>

The course of Mr. Sawyer in thus conducting the *Tribune* so wholly in the interests of the anti-"Mormon" party brought strong protest and mutiny in the editorial staff. A private meeting of the board of directors was called, and Mr. E. L. T. Harrison of the board charged that Mr. Sawyer had turned the *Tribune* in a new direction, and had given it other aims and purposes from those for which it was established; "but above all, he impeached the managing editor on the specific charge of having permitted Judge McKean to write editorials sustaining his own decisions. The conclusion of the matter was that Mr. Sawyer was permitted to resign because of "a journalistic incompatibility" existing between himself and the directors. This according to his editorial valedictory. But the true reasons for his resign-

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1. Tullidge's *History of Salt Lake City*, p. 589.

nation are found in the sustained charges by Mr. Harrison as above given.

#### BATES-McKEAN CONTROVERSY

After the severance of the relations of both Judge McKean and Mr. Sawyer from the *Tribune*, and the natural tendency to discredit the judge by the press of the country after the decision of the supreme court, he lost much of the advantage he had hitherto possessed. A fierce conflict arose between him and the district attorney, charges and counter-charges were made by both the judge and the district attorney; by the former from the bench as we have seen; and also in person at Washington; and by the district attorney through the press of the east.<sup>2</sup> President Grant, as already stated, requested the resignation of Mr. Bates, which the latter declined to hand in because there were no charges preferred against him. This before the decision of the supreme court was rendered. After it was rendered, so clearly vindicating the district attorney's views, and so completely reversing Judge McKean's procedure, of course, that the Bates resignation could not be further pressed, nor could he be removed, at least not immediately. But the differences between the judge and the attorney increasing, and their antagonism growing in bitterness, the president on the 10th of December, 1872, removed Mr. Bates, and appointed Mr. William Carey, of Illinois, to be United States district attorney for Utah.<sup>3</sup>

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2. See Washington correspondent of the *Chicago Post* under date of Jan. 29th, 1872. The correspondent states that from other sources than Mr. Bates he learned that "the chief trouble with Judge McKean is that he has a 'mission';" that "he was at one time a Methodist preacher, and he seems to be unable to get out of his clerical harness, or separate old time denominational enthusiasm from his judicial duties." (The *Chicago Post* article is published in *Deseret News*, weekly, of March 13th, 1872, and in the *Omaha Herald* of 19th of June, 1872. See also article in *Omaha Herald* of 19th of June, 1872, published in *Millennial Star*, vol. xxxiv, p. 454; and article in *New York Herald* of April 26th, 1872; reproduced in *News* of May 8th).

3. "Mr. Bates," said the *Deseret News*, "in the discharges of his official duties," has conducted himself in a gentlemanly manner, and probably his chief offense to the 'ring' is that he never lent himself to their unworthy policy and purposes, but has endeavored to discharge the duties of his office in an even-handed, impartial way." (*Deseret News*, weekly, of Dec. 18th, 1872, p. 700).



This act severing the official relations of Judge McKean and Mr. Bates, now gave the latter larger freedom for criticism of which he made a most vigorous use.

#### ARRAIGNMENT OF PRESIDENT GRANT ON UTAH AFFAIRS

In a signed open letter to President Grant, which first appeared in the *Salt Lake Herald*, but summarized for the press dispatches, Mr. Bates after expressing high regard for the president, but deploring the ease with which he was imposed upon by corrupt politicians, says, in regard to this weakness of the president's as it affected Utah affairs:

"Your entire administration of affairs in Utah, your special message to congress, and many of the most important appointments made by you here, have all been the result of misrepresentation, falsehood, and misunderstanding on your part of the real condition of affairs in this territory. \* \* \*

In other communications, soon to be made, in every instance accompanied by the evidence, I will demonstrate how other distinguished officers have bought their offices, how you were made a mere catspaw by corrupt senators and representatives, to send officers here whom you would not have trusted among your horse blankets in the executive stable."<sup>4</sup>

The purpose of this open letter was to defeat the appointment of one Wm. W. Mitchell of Michigan for associate justice in Utah. Mitchell was appointed, however January 9th, 1873; but was superceded in March following, and never was installed in his office. He threatened Bates with a suit for libel in the Michigan courts, for what the attorney had published in the open letter to Grant. Bates employed counsel and instructed them if suit was filed to enter his appearance. He volunteered to go from Salt Lake to Grand Rapids to meet the issue. Nothing came of it.

#### CORRUPTION IN FEDERAL UTAH OFFICIALS

McKean in rendering his decision in what was known as the Haskins mining case, undertook to discredit the former

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4. The communication appears in full in the *Millennial Star*, vol. xxxv, pp. 241-3.

district attorney in the latter's charges of corruption in connection with the Utah federal appointments, made in his open letter to Grant. In his testimony in the aforesaid Haskins case Mr. Bates testified that "he knew nothing of the case now under examination, nor of any official corruption in the territory that would implicate any one *in the case before the court*;" whereupon, in rendering his decision, Judge McKean said that Mr. Bates had "caused telegrams and letters to be published in the papers that there had been official corruption;" but, when called upon he "*confessed that he knew nothing about any official corruption whatever, of any official, whatever—in the matter.*"<sup>5</sup> This attempt to discredit the veracity of the former district attorney brought on a crisis between the parties and Mr. Bates soon afterwards published serious and specific charges of corruption among the Utah federal officials.<sup>6</sup>

It is proper to consider at the outset the question which naturally arises and which Mr. Bates considers near the close of his charges, *viz.*, why were not these charges brought before a grand jury for investigation, rather than committed to the press of the country? Mr. Bates replies:

"The answer is plain: because the clerk of the court here would not issue a venire demanded by me, and the court would not order it done. All this I reported to the [United States] attorney-general last fall. The names of the witnesses to prove the facts here charged, and of the officers against whom the accusations are laid, will be furnished to the United States district attorney whenever he will summon a grand jury to inquire into offenses against the laws of the United

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5. *Salt Lake Herald* of June 21st, 1873, commenting on the matter the *Herald* said: "He (Judge McKean) took occasion \* \* \* to reflect on Mr. Bates' evidence, and so far tortured that evidence—according to his reported language and the reported testimony of Mr. Bates—that an impartial, unprejudiced person would be apt to think that the judge had been guilty of a deliberate misstatement." (*Ibid*; also *Millennial Star*, vol. xxxv, p. 476).

6. These charges appear over the signature of the former district attorney in the *Salt Lake Herald* of July 20th, 1873. Much of the matter, nearly all—in Mr. Bates' signed article in the *Salt Lake Herald* of the 20th of July, appears also in a lengthy article by a special correspondent in Utah of the *New York Sun*, under date of Salt Lake City, July 23rd, 1873. I shall use both these articles in the condensed presentation of the subject in the text. The signed article of the *Salt Lake Herald* will be found in *Millennial Star*, vol. xxv, pp. 529-532. The *Sun's* correspondent's article *Ibid*, pp. 580-83; and 587-8.

States; or to a committee appointed by congress to investigate into the matters involved."

The *New York Sun* correspondent referred to put this situation as follows:

"McKean has practically disregarded the supreme court decision, and has merely refused juries instead of impaneling them illegally."<sup>7</sup>

After reciting his own previous appointments by the general government to offices in California, and his appointment to Utah, Mr. Bates says in his signed charges:

"Having entered upon the duties of the office, I found the court composed of three judges; against one of whom the *Chicago Times* has recently furnished the charge and evidence of bigamy; another of whom it is proven by the records of our court here, to have bought his office for a note yet unpaid, and whose whole judicial career was a grave scandal on temperance, justice, and morality; and lastly, the chief justice."

Both Hawley and Strickland resigned in the winter of 1873, and were succeeded by the appointment of P. H. Emerson, of Michigan, 10th of March; and Jacob S. Boreman, of West Virginia, 20th of March.

#### FOR THE COMPLETENESS OF HISTORY

Relative to the serious charges against these Utah judicial officers it is due to the completeness of history that something more should be said; also that it should be known what kind of instrumentalities were employed to bring about the high "moral reform" sought to be impressed upon the Latter-day Saints of Utah; and, lastly, that the injustice might appear of denying to such a community as the people of Utah then was of the right of local self-government. Accordingly more of the details and evidence of these charges against the federal appointees sent to rule the people is here set down.

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7. And this refusal to call either grand or petit juries for investigation or trial of cases McKean persisted in to the scandal of the territory, up at least to Feb., 1874, as witness his own declaration to that effect in a communication to Colonel H. A. Morrow, commandant at Camp Douglas, under date of Feb. 6th, 1874. (*Deseret News*, weekly, of 11th of Feb. Also editorial of the *News*, *Ibid*, p. 25).

## THE BIGAMY OF A GENTILE JUDGE

It was Judge Cyrus M. Hawley against whom the charge of bigamy was made. It is only due to Judge McKean to say that he was greatly shocked when he became aware that his associate in the Utah judiciary was charged with such a crime. The charge was first published in the *Salt Lake Herald*. Judge McKean, as he mounted the bench one morning saw it in the *Herald* lying on his desk. He read it through. It is said by the *Chicago Times* report that he was greatly enraged:

"He sprang to his feet and shouted to the marshal to call in the grand jury. [He had by this time found it possible to have juries]. The official did as directed. The jurors took their places with respected awe in the chairs provided for them. The court then said, in substance: ' \* \* \* The *Salt Lake Herald* charges Judge Hawley with having more than one wife. It intimates that he is guilty of adultery and fornication. It insinuates that he is a fraud and a hypocrite, and that he does not provide for his family. This court must purify itself before it can try other people. You must now indict Judge Hawley for bigamy, or John T. Caine, editor of the *Herald*, for libel. You must now retire.' "

Mr. Caine was promptly indicted for libel by the obedient jury, also Messrs. Sloan and Dunbar, editor and business manager respectively of the *Herald*, were included in the indictment; but the case never came to trial.

A search was instituted among the records of the superior court of Cook county, Ill., by Mr. Caine. The transcript of a proceeding for a divorce was obtained, and a copy of an alleged decree. It was subjected to judicial criticism and inspection, and discovered to be irregular and fraudulent, and that it had not been obtained as the law prescribes; in short, that the defendant, Cornelia M. Hawley, was not legally divorced. Mrs. Hawley was also hunted up by the defendants. She consented to be present at the trial of the libel suit when it should come off, and to claim the immaculate judge as her husband.

"The result of this exposure of the domestic eccentricities of the pharisaical judge brought down upon his head the malediction of the



entire opposition press of the country. Judge Hawley shortly afterward resigned and slunk away into obscurity."<sup>8</sup>

#### A UTAH FEDERAL JUDGE PURCHASES HIS OFFICE

The associate justice of Utah charged with having purchased his office of associate justice on the Utah bench, and whose "judicial career was a grave scandal on justice and morality," was Judge Obed F. Strickland. The charges were notorious and true. The facts relative to his purchasing the judgeship are set forth in the *Salt Lake Herald*. At the time the commercial transaction occurred Thomas J. Drake held the office of associate justice of Utah, and had a little less than a year of unexpired term. Drake did not intend to ask for reappointment as he had become unsavory in Utah as set forth in previous chapters in this *History*. Under these circumstances Strickland, "sadly in need of an office," met Drake in Washington and in consideration of a note of hand for the amount of one year's salary—for which Drake had yet to serve one year—\$2,800, Drake interested himself in Strickland's affairs and secured for him the appointment. "But alas for judicial honor! Once installed on the bench Strickland refused to honor the promissory note" (which was to be paid in four yearly installments), and Drake at the end of four years brought suit to collect it. Strickland "puts in an answer in the shape of a demur, to the effect that the contract is void on grounds of public policy."<sup>9</sup> "Comment," said the *Golden Era*, of April 27th, after detailing the story—"comment on such a case is superfluous. Language fails to do justice to the subject." Of the transaction the *New York Sun* said:

"There can be no doubt that this note is void and worthless, for the reason that it was given for an immoral consideration, but it is valuable as showing the corruption which under Grant's administration extends from the executive departments and from congress, and carries its foul contagion into the judiciary. To Judge Sherman in Ohio, Judge Delahay in Kansas, and the drunken Judge Durell in Louisiana,

8. The *Chicago Times* article cited in the charges made by Mr. Bates in his above arraignment, is also published in the *Millennial Star*, vol. xxxv, pp. 481-4.

9. Record of the whole case is published in the semi-weekly *Salt Lake Herald* of April 19th, 1873, with names and dates in full.

is now to be added this Judge Strickland in Utah; and it also appears that Chief Justice Titus of Arizona was present while Strickland made his bargain with Drake, and approved of the corrupt transaction."<sup>10</sup>

#### YET MORE SERIOUS CHARGES

Coming to other and more serious charges of corruption against these judges and other federal officials, I quote Mr. Bates' own language, as published in the *New York Sun*:

"First—I aver that most grave charges of official corruption against two United States officials of Utah were preferred to the attorney-general by telegraph in 1871; the charges were in sitting in judgment in mining cases where they were themselves interested and that an order was issued to investigate the charges made, and if found true, to remove them both; but before the order was executed the Rev. Dr. Newman intervened at Long Branch, [where President Grant was temporarily residing] and the matter was dropped. The telegraphic charges were from a United States senator, and were on file a year ago in the department of justice, and are there now unless abstracted.

The 'two United States officials' referred to, says the *New York Sun's* correspondent, in his comments upon this charge, were Judges McKean and Strickland. The latter had been 'located' by the alleged discoverer, in a valuable mining claim in Ophir district, East canon, known as the '*Silver Shield*.' The same ground was claimed by other parties, as having been previously located by them in conformity with the district mining laws, as the '*Velocipede*.' Strickland sold out his claim to McKean for a trifling sum, and when litigation arose between the *Velocipede* claimants and the *Silver Shield* claimants, Judge McKean being one of the latter, he politely turned over the hearing of the case to Judge Strickland, also a party interested; and all the litigation had in the matter was before Strickland, who had sold to McKean and was believed still to have an actual interest in the mine, or McKean, who had bought from Strickland. The result was a compromise by which the *Velocipede* claimants felt they were robbed of their just rights; but as there was no chance for an impartial trial they bit their lips, swore roundly, and accepted the alternative. Wm. M. Stewart, United States senator from Nevada, was the party that preferred the charge by telegraph, and instructions, it is understood, were given at the time for the removal of both, but ecclesiastical influence triumphed."

#### Mr. Bates' indictment continues:—

"Second—I aver that large peculations of the mails and post office have occurred here since I came, in one instance, a package of \$10,000 being lost; that time after time, money orders have been stolen, and yet no one has ever been prosecuted for these offenses. In one or more

10. The *New York Sun* paragraph here quoted is copied into the *Millennial Star*, vol. xxxv, p. 358.

instances clerks detected in robbing the mail have been permitted to go, and crimes, if not actually condoned, have been overlooked."<sup>11</sup>

Third—I aver that large bodies of coal lands worth a heavy amount of money, not in market at all, have been illegitimately spirited away under false pretenses, and are now held against the United States as private property by a combination of those who bought them at one dollar and twenty-five cents per acre in fraud of the laws of the United States, and that even now this process of robbing the United States of its coal land is going on.<sup>12</sup>

Fourth—I aver and charge that the timber lands of Utah during the last eighteen months have been stripped, in utter violation of the laws of the United States and a circular published by me as United States district attorney, from the land department, and that no attempt has ever been made to enforce the laws of the United States against such trespasses upon the public lands.

Fifth—I charge that a government official of Utah purloined from my desk, during my absence at the east, a public document belonging to the archives of the attorney-general's department, had it copied, then certified to by other officials, and then sold it to a New York newspaper for money.

Sixth—I further charge and aver that in 1872 a corrupt bargain was made in this city between two of the leading officials of Utah, by which a large sum of money was to be, and was actually put in a bank in this city, and also a bond payable out of the products of a certain mine, whenever an injunction should be granted, and a receiver appointed by the other official in that case; that a retaining fee was paid to the person who was to manipulate the matter; that an argument was heard in the cause, the injunction and receiver refused, and thereupon a different arrangement was made. Is this official corruption in Utah?"

#### AMPLIFICATION OF THE SIXTH CHARGE

In full explanation of this sixth charge of Mr. Bates the correspondent for the *New York Sun* wrote his paper at the time as follows:

"The Flagstaff mine, Little Cottonwood, is held to be one of the richest in Utah, its shares being at present some thirty *per cent* premium in the London market. J. W. Haskins, of Vallejo, California, well known in the west as 'Prior Titles,' from his penchant for purchasing

11. "The gravest part of this, perhaps," comments the *Sun's* correspondent, "lies in the fact that justice is obstructed by McKean, who will not allow a grand jury to investigate such offenses, nor indeed any violations of law, in his district. The United States marshal is here, fully empowered to draw jurors; government is willing to pay for the six days of each term prescribed by law; the jury law of the territory is sustained by the decision of the supreme court, but no order for a grand jury issued from the clerk's office, and criminals go unwhipped of justice."

12. "This," says the *Sun's* correspondent, "implicates Maxwell, the registrar of the land office here; Overton, receiver of public moneys, and others; though it is alleged that Maxwell has been made a tool of and has not received his share of the plunder."

old mining titles and then laying claim to the property on the strength of them, in this way he preferred a claim to the Flagstaff mine, as he had done to the Emma. He sought an injunction against the Flagstaff Company and believed evidently that the shortest way to obtain it was by purchasing judicial and official influence. So he retained Governor Woods as an attorney in the case, paying him, if I am not mistaken, \$635 as a retaining fee, with a promise of \$5,000 more. It being understood that the governor has power to redistrict the federal judges when he deems it necessary, it was probably considered that such an influence might have its weight with the immaculate Strickland, who by a perverse decision might render himself liable to be sent to Beaver away in the southern part of the territory, where there was little civilization and where whiskey was dear and not very plenty at that time. Besides this, it is said that Haskins agreed to have \$60,000 forthcoming in the event of a decision 'according to law and justice,' which meant the granting of the injunction. He accordingly deposited \$10,000 in cash in one of the banks in town and a bond for \$50,000 more to meet his obligation. But it is believed that the Flagstaff Company 'went him two better,' and, not troubling themselves with bonds, put up \$62,000 in cash. I need scarcely say that Mr. Haskins failed to get his injunction. Shortly afterward Judge Strickland, from his very liberal salary of \$3,000 a year, was able to purchase a handsome residence in Provo, at a cost of some \$8,000, and other *addenda* requisite to maintain the dignity of a judge. This is the same judge who bought his position from his predecessor, T. J. Drake, of Michigan, giving his note for the price—\$2,800—which is not yet paid—and who while judge, when on a drunken spree, went into a lager beer saloon in this town, impaneled a mock jury, and went through the formality of holding court with all imaginable drunken gravity, and to the infinite pleasure of the assembled crowd. He was never removed, but held the position until he resigned last winter."<sup>13</sup>

#### THE CHARGE OF A SHAM TRIAL

Again Mr. Bates resumes his serious charges:

"Seventh—I charge and aver that information was given to a late judge of the territory, to myself and many others of the citizens of Utah, by a leading agent of one of the largest and wealthiest firms in the United States, of a much graver offense against one of the United States officers, at that time, and the name of the informer, the character of the crime, and all the circumstances were given. This charge had reference to a case in court involving large sums of money, in which it was also said that a sham trial took place after the real issues had been first settled between the parties in the suit."

"In this accusation," says the *Sun's* correspondent, "we have perhaps the gravest of all. If your readers can imagine

13. *Ibid.*



a private conference in the Astor House, New York, between one of the shrewdest of far western senators, a New England banker of notoriety as a keen mining speculator, and a Utah judge, whose record was even then tainted with corruption, in which future judicial decisions had to be considered, they may be able to arrive at a conclusion not far from correct. To publish detailed facts of the matter at present would defeat the ends of justice, but the people have a right to demand that the whole shamelessly corrupt transaction—of which the Brooklyn records will furnish part of the evidence—should be sifted to the bottom.”<sup>14</sup>

“Eighth—I further charge that in the spring of 1872, by reason of illegitimate conduct on the part of one or both officers of the Indian department in this territory, the Indians were compelled to buy their food at enormous prices, were finally starved out, and so left their reservation, came down to the settlements, begged and roamed about, until an Indian war was imminent, and nothing but the wisdom and prudence of General Morrow and the keen sagacity and gallantry of General Ord prevented it.”<sup>15</sup>

“Mr. Bates,” says the *Sun*’s correspondent, in his closing comments on the charges, “might have charged much more, and have fallen short of the facts,” and adds:

“The president has had the character of these officials laid before him; he is fully informed of their robberies and disregard of law or official obligations; but they remain here, as Casey does in Louisiana, and as scores of others do in various offices, held there by the influence of favorites or the strength of kinship, with the prospect of continuing in place as long as the president himself.”<sup>16</sup>

#### PRESIDENT GRANT’S LAXITY IN THE ADMINISTRATION OF CIVIL AFFAIRS

Again Mr. Bates:

“The second term of President Grant, it must be admitted,” says a great history of the United States, “justified to some extent the evil prophecies of those who believed that

14. *Sun*’s article in *Millennial Star*, vol. xxxv, pp. 580-589.

15. On this point see this *History*, chapter cxxix, where this charge of Mr. Bates is sustained by the facts of history as there developed.

16. Correspondence to *New York Sun* copied into *Millennial Star*, vol. xxxv pp. 580-589.

the general's easy, good nature and his unacquaintance with civil affairs would open the gates to doubtful schemes and schemers. As time wore on, many of the rumors of alleged hidden scandals and official corruption were dispelled, but serious and unhappy disclosures did subsequently shock the people. Changes in the cabinet of President Grant also served to unsettle popular confidence in the administration and occasion much uneasiness as to the causes which underlay these goings and comings of the president's advisers." Then follows several pages detailing the many cabinet resignations that took place, many of which "were related to the public scandals of the day." Also a statement of the postal contract frauds; the whiskey ring robberies; the war department scandals and exposures; also the Indian service frauds, wherein both the government and its Indian wards were alike defrauded, leading to the Indian wars of 1873, which reached their culmination in the "Custer Massacre."<sup>17</sup>

President Grant's "easy good nature" in political affairs, his susceptibility to the influence of political friends, many of whom were evil-minded and corrupt, is notorious up to the point of being a national scandal, and is well sustained by history. This well known historical fact lends strong support to the accusing "open letter" of Mr. Bates to President Grant, charging corruption among the Utah Grant appointees, and the president's indifference when charges were made against them.

I am aware of the possibility of someone saying that the treatment of the overthrow of these disreputable federal officials of Utah given in this chapter should be based upon more substantial grounds than charges made by an opposing politician such as George C. Bates, ex-district attorney for Utah, and removed from office by action of President Grant. I should be inclined to admit the force of such criticism if it were not for the fact that the charges against these federal offi-

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17. *History of the United States*, Bryant-Gay-Brooks (Scribners), vol. v, pp. 438-442.

cers were sustained by something more than the charges of the aforesaid ex-district attorney for Utah, *viz.*, what happened to these federal officials. In the case of Judges Hawley and Strickland, prompt resignation without investigation, under the fire of the charges. The failure of Woods to reappointment to be governor of Utah, notwithstanding he urgently sought the reappointment. The dismissal from office of both Judge McKean and Land Registrar Maxwell at the height of their aggressive career in Utah affairs, and that by President Grant, so bitterly prejudiced against the people and their leaders upon whom these men exercised their outrageous tyranny. All this sustains the charges of George C. Bates against the discredited federal officials, and convicts them of insufferable evil acts as clearly as if charged before a jury and found guilty. They have a saying in France that the only course for one to follow who is truly accused of crime is to confess or commit suicide; and suicide is confession. What happened to these charged Utah federal officials was somewhat like that "suicide" recommended by the French—it was equal to the establishment of guilt in their case.

It may be held, and it is,<sup>18</sup> that this Poland enactment overrode the decision of the supreme court of the United States in the Engelbrecht case, which had settled the status of the district courts of Utah, and the methods of judicial procedure in them, and the right of the people to trial by a jury of their peers, fairly chosen and of the vicinage. And it may have to be conceded that this is true; that the procedure and decisions of the Utah federal judges though disapproved by the supreme court of the United States had now been approved by the enactments of congress, and that this and much other kindred legislation against Utah's people was subsequently even approved by the supreme court in the cases that went up to it on appeal from the territory. That too may have to be conceded; but this remains to the record of the American

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18. See Baskin's *Reminiscences of Early Utah*, ch. iv.

congress and to the record of the supreme court of the United States, so far as they gave their approval to that class of legislation, and that under the whip and spur and uninformed and misled public opinion respecting an unpopular people—this remains, the congress of the United States that passed such legislation, and the supreme court of the United States which, forsaking the principles that guided it in the decision overruling the injustice of federal officials in Utah in the Englebrecht case—both acted in violation of the high American principle of the constitutional right of the people to local self-government, and fair treatment under the law. And for the violation of that constitutional and righteous principle, I arraign both congress and the supreme court of the United States at the bar of history.



## CHAPTER CXLIII

### PROPOSED ANTI-"MORMON" LEGISLATION BEFORE CONGRESS— IMPRISONMENT OF BRIGHAM YOUNG—JUDGE MCKEAN DISMISSED FROM OFFICE

AS the Utah "ring" had tried by judicial rulings and administrative acts to do what they would have been authorized to do if the Wade, or the Cragin, or the Cullom bill had been passed, so now, after the decision of the supreme court had swept aside all their illegal machinations of judicial procedure against the Latter-day Saint Church leaders, they tried to secure the passage of some special legislation which would circumvent the effect of the supreme court's decision, and would authorize them under the sanction of these special acts to proceed with their warfare on "Mormon theocracy." The "ring," therefore through the years 1872-4, kept a lobby at the doors of congress constantly begging for special legislation. President Grant in his message at the opening of congress in December, 1872, had urged the passage of legislation recommending a careful revision of the present laws of Utah by congress, "and the ultimate extinguishment of polygamy."<sup>1</sup>

#### EFFORTS AT SPECIAL LEGISLATION

This was supplemented by a special message, on the 14th of February, 1873, in which the president urged upon the congress the passage of some measure which from his outlines of the supposed legislative "needs" of Utah, had plainly been drawn by some hand of the Utah "ring," striking at the right of an American community to local self-government.<sup>2</sup> The recommendations in the main were those finally incorporated in the Poland bill which became law, and will be considered later. The President closed with an expressed ap-

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1. *Messages and Papers of the Presidents*, vol. vii, pp. 203-4.

2. *Ibid.*, pp. 208-10.

prehension that if such legislation as he suggested were not passed, military interference would be necessary, which was nothing more than the "ring's" threat for sometime past, but now voiced by the president of the United States in a special message to congress.

At this time two measures were already before the United States senate: one by Mr. John A. Logan, of Illinois, and one by Mr. Frederick Frelinghuysen of New Jersey.

#### THE LOGAN BILL

The Logan bill seems not to have received much attention in the senate, but a synopsis covering its main provision exhibits the extreme measures proposed in that period against the Latter-day Saint community. After eliminating the territorial marshal and the territorial attorney-general, it provided:

"That United States attorneys prosecute all cases tried by United States judges; such United States marshals and attorneys and their jurors to be paid from the territorial treasury as taxed by the United States judges.

That the United States judge, marshal and attorney shall choose and impanel juries. No challenge to be allowed on the ground that a juror had served at a previous term of the court. And giving the court, and not the jury, the power to pronounce criminal punishment.

That all fines imposed by district courts for violation of territorial law shall be subject to the judge of said court to pay fees with.

That proof of cohabitation, or acknowledgment of the existence of the marital relation by the party accused, shall be sufficient to sustain prosecution for plural marriage.

That United States judges appoint county commissioners, or examining and committing magistrates, whose fees for territorial cases shall be paid out of the territorial treasury.

That the United States judges fix their own time and place for holding district courts for the transaction of territorial business; United States courts to have exclusive original jurisdiction in divorce cases.

And that should the territorial legislature fail to make provision for the fees and costs which are to be rated by the United States judges, then the same shall be paid out of the funds appropriated by congress to defray the expense of the territorial legislature."<sup>3</sup>

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3. *Millennial Star*, vol. xxxv, where this synopsis is given, p. 137, *et seq.*

In the title the intention of the bill was declared to be—"To promote justice." Its true title would have been: "A scheme to enable the federal officials appointed from Washington to prey upon the people of Utah, and eat out their substance." It was in large measure the Voorhees house bill of the previous congress, in large part section by section and word for word; but instead of its provisions being confined to Utah they were extended to the territories of the United States. R. N. Baskin of Utah was the real author of the Voorhees bill, and therefore indirectly the author of the Logan bill.

#### THE FRELINGHUYSEN BILL

The Frelinghuysen bill was introduced early in February, 1873, and was a modification of the Logan bill. It provided for the regulation of the judiciary on a principle adopted by Judge McKean, but reversed by the supreme court; it would prevent polygamous marriages for the future, but did not propose to interfere with those relations already in existence. It passed the senate on the 25th of February, but failed of consideration in the house, much to the disgust of the Utah "ring" and their coadjutors in Washington.

The bill was an ill-considered measure, hastily passed in the senate by a vote of 29 to 10. It was in aid of the passage of this bill that President Grant sent his special message of Feb. 14th to congress. Throughout the session President Grant had exerted his personal influence to secure anti-"Mormon" legislation. "Yesterday," says George Q. Cannon in his journal entry of Feb. 4th (1873), "President Grant went to the capital \* \* \* It was soon noised abroad that Utah affairs had called him there. He had interviews with the judiciary committees of the senate and house, and told them that there must be legislative action on Utah. \* \* \* Grant is reported to have said, 'If the fourth of March came without legislation, he would put his troops into Utah and nail the thing by that means'." Memorials both for and against the

passage of this legislation were sent from Salt Lake City: one signed by "the members of the legal profession residing in Utah," setting forth the alleged inadequacy of the laws of Utah (presented in the house by Mr. Merritt of Idaho);<sup>4</sup> a second in which both "Mormons" and Gentiles joined signed chiefly by lawyers (Gentile and "Mormon"), merchants and bankers. It is an able review and refutation of the one sent by "the members of the legal profession." George Q. Cannon—who was in Washington at the time aiding Captain Hooper in the last months of that gentleman's last term as Utah's delegate—of this Memorial of the "members of the legal profession," said: "We found by comparing the reference made in the Memorial to the laws with the laws themselves, that they have quoted laws which have been repealed, they have quoted as laws of Utah extracts which have no existence, they have garbled laws and they have left out the context of laws. The whole is a tissue of misrepresentation and falsehood. This is the constant practice of our enemies—to lie and misrepresent."<sup>5</sup>

In evidence of the disappointment of the members of the "Utah ring" in Washington I present an excerpt from the journal entry of Delegate George Q. Cannon in relation to their manifest vexation on the failure of the house to pass the Frelinghuysen bill. Monday, March the third, 1872, the bill was not reached—congress would adjourn the next day. "Our enemies," wrote Mr. Cannon, in closing that day's record, "were swearing mad. Merritt said we had bribed the speaker, and that d—ned old Bingham [chairman of the

4. This was Colonel Samuel A. Merritt, at the time delegate to congress from the territory of Idaho. He was a Virginian by birth and education. He went to California in "'49," where he practiced law, and was prominent, up to 1861, in the state's politics. Then he drifted into Idaho where he practiced his profession, and later was sent to represent the territory as its delegate to congress. He was bitterly anti-"Mormon" at that time. After his service in congress as delegate from Idaho, Mr. Merritt removed to Utah, where for years he practiced his profession, and also engaged in mining. In 1894 he was appointed United States chief justice for Utah, which position he held until Utah was admitted into the Union, 1896.

5. See *Journal of George Q. Cannon*, entry for 5th of January, 1873, copied into *History of Salt Lake City*, Tullidge, pp. 602-3. Also see *Congressional Globe* for Feb., 1873, *passim*; and *Deseret News*, weekly, March 5th, 1873.



house committee on territories]. Claggett and Maxwell were also furious." Here follows Mr. Cannon's record for the closing day of the congress.

"*March 4th*:—This morning they commenced at the calendar. The two bills were soon passed, then came the Frelinghuysen bill; but Mr. Sargent, of California, objected to the consideration of so important a bill when there was no quorum present. It was laid aside informally; and from that time until 11.30, when upon motion, it was decided to transact no more legislation, it could not be reached. Business of various kinds was attended to, but that could not be got up. Our enemies were raging. Maxwell said he would take out British papers and be an American citizen no longer. Claggett asserted that we had spent \$200,000 on the judiciary committee, and Merritt swore that there had been treachery, and we had bribed congress. But I praised and thanked God, who was our friend and mightier than they all. By seemingly small and insignificant means he had brought to pass marvelous results, and to him all the glory was due."<sup>6</sup>

The house was more prolific than the senate in offering measures to solve the Utah difficulties.

Mr. Wm. A. Wheeler, of New York, later to become vice president of the United States in the Hayes administration, introduced a bill in April, 1872, "to promote the purity of elections in Utah." It proposed to eliminate woman suffrage, and placed the election machinery in the hands of the governor of the territory.<sup>7</sup> Daniel W. Voorhees, of Indiana, in April, 1872, introduced a bill "to aid in the enforcement of the laws in Utah." Its general intent was to take the control of the local courts from the officers as provided

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6. Tullidge's *History of Salt Lake City*, p. 607. Mr. Linn in his *Story of the Mormons* wrongfully accredits this *Journal*, which he quotes from Tullidge, to Delegate Hooper (p. 571). Mr. Tullidge was given permission to publish the entries from *Mr. Cannon's Daily Journal* from Jan. 28th, 1873, to March 4th of the same year. Those entries give a very full and vivid description of this effort to pass anti-"Mormon" legislation. On the 22nd of February Cannon records that Captain Hooper met General Sherman in the senate chamber; the latter told Captain Hooper "that he had said to Grant with whom he had attended a dinner party that his action in relation to Utah was all wrong. For this advocacy of our cause," adds Mr. Cannon, "they have laughingly called him a 'Mormon.'" "We have a perverse and unscrupulous enemy in John P. Newman, the senate chaplain," adds Mr. Cannon in closing his journal entry for the above date.

7. *Congressional Record*, of April 3rd. The bill complete is published in *Deseret News*, weekly, of April 17th, 1872.

by the laws of the territory, and give it into the hands of the federal appointees.<sup>8</sup>

#### THE BLAIR BILL OF 1872

In the midst of this flood of proposed legislation for Utah, one measure is quite generally overlooked, that is worthy of mention, and of a permanent place in Latter-day Saint and Utah history. It was the bill introduced into the house by Mr. James G. Blair, of Missouri, and supported by him in a speech delivered on the 17th of February, 1872.

It deserves this place in history both for the boldness of the measure itself, and the ability with which it was maintained by the speech of Mr. Blair.<sup>9</sup> It proposed:

"1st. That all marriages heretofore solemnized in the territory of Utah, under and in accordance with the rules and regulations of the Church of Jesus Christ of Latter-day Saints, and children born under such marriages, be, and the same are hereby legalized. \* \* \*

2nd. That all prosecutions now pending in any of the courts of said territory on account of such polygamous marriages be, and the same are hereby dismissed, and the jurisdiction of said courts over such cases is hereby withdrawn."

As stated the bill was ably sustained by Mr. Blair and reviewed the marriage institution as related to the "Mormon" people as inhabitants of Mexico, before the United States jurisdiction extended over them; and he recommended the passage of his bill on the ground of public policy.

A large assembly of women in Salt Lake City, for themselves, "and in behalf of the ladies of Utah generally," on the 2nd of March, adopted resolutions approving Mr. Blair's bill, and expressing their admiration for the bold and manly position he had assumed and fearlessly maintained.<sup>10</sup> Mr.

8. *Congressional Record* of April 1st. The bill in full is published in *Deseret News* of April 17th, 1872.

9. The speech will be found in *Congressional Record* of Feb. 18th, 1872, and is published in full in *Millennial Star*, vol. xxxiv, p. 257.

10. *Millennial Star*, vol. xxxiv, pp. 270-1. The resolution indorsing the Blair bill said:

"Resolved—That we consider the bill a truthful and able instrument, and the

Blair, however, had the distinction of standing alone among the members of the house in advocacy of his measure.

In the spring of 1873, Mr. S. A. Merritt from the neighboring territory of Idaho, introduced a bill very drastic in its nature, and one which very much resembled the Cullom bill that had failed of passage in the previous congress.<sup>11</sup>

None of these measures were enacted into law, much to the disappointment of their authors. Their historical importance and the justification of mentioning them in these pages consists in the exhibition they afford of the volume of opposition which in these years was launched against the Church of the Latter-day Saints, the persistence of it, the high national characters who engaged in it, and the bitterness of it. This opposition culminated in the next congress in the passage of the Poland bill, which was approved on the 23rd of June, 1874. It took its name from Mr. Luke Potter Poland, of Vermont, who introduced it, and while it was less drastic than any other of the bills introduced into the previous congress, it nevertheless was the beginning of that series of congressional enactments which nearly destroyed for years every vestige of local self-government in the territory of Utah.

#### THE POLAND LAW

The Poland law took from the probate courts all criminal, civil, and chancery jurisdiction. These courts, since their creation in 1852, had been "the courts of the people," the courts in which they had confidence because created by law enacted by their own legislature, and the judges were men of the vicinage—of the county—whose interests were permanently identified with the community; their criminal jurisdiction had stood for nearly a quarter of a century against the lawlessness of the transient population that drifted into the

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speech in support of it a most noble effort in behalf of the rights of conscience and religious liberty, involving the peace, purity and happiness of domestic life—a conclusive argument in support of the sacred Constitution of our country, and a living honor to the name of its author." (*Ibid*).

11. A synopsis of this bill will be found in *Millennial Star*, vol. xxxv, p. 136.

territory, and they were the bulwarks of the community's peace and good order.

The office of territorial marshal and of the territorial attorney-general were abolished by assigning their functions to the United States marshal and his deputies, and the United States district attorney and his assistants, although the legality of the territorial law creating these offices had been twice affirmed by the decision of the United States supreme court.<sup>12</sup> Making up the lists for grand and petit juries was intrusted to the clerk of the respective district courts and the probate judge of the county in which the court was to be next held; and from these lists names were drawn by the United States marshal or his deputy in open court. The jurisdiction of

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12. The history of the organization of these courts, with a defense of their legality and the decision of the United States supreme court affecting the legislation creating them is given in this *History*, chapter cii. An elaborate opinion worked out for the benefit of the Utah legislature, and in response to a resolution by that body, was presented to the speaker of the house by Judge Z. Snow, long the territorial attorney-general of Utah, it is dated the 5th of Feb., 1874, and will be found complete in *Deseret News*, weekly, of Feb. 25th, March 4th and 11th. The opinion is exhaustive and the collection of all data of record up to that time is complete. It includes the decision of the supreme court in the Snow-Hempstead case of Oct., 1873, (20 *Wallace Reports*). A very fine review of this whole subject will be found in the Memorial of the "Mormons" and non-"Mormons" against the Frelinghuysen bill before referred to. (*Deseret News*, weekly, March 5th, 1873).

Later, namely on the 16th of Nov., 1874, and therefore after the passage by congress and approval by the president of the Poland law, depriving the Utah probate courts of "a general jurisdiction in civil and criminal cases and both in chancery and at common law," (approved June 23rd, 1874), the United States supreme court handed down a decision which denied the rightfulness of the general jurisdiction in civil and criminal cases which the territorial courts had exercised. (See 20 *Wallace Reports*, pp. 375-384). Fred T. Perris vs. Wm. G. Higley et al. (Baskin cites it "Ferry," etc., *Reminiscences*, p. 59). It was a serious matter to decide that courts of a quarter of a century of existence—22 years, to be exact—had no such jurisdiction; and if in the exercise of that jurisdiction there had been several instances of conviction of capital punishment and execution and all the judgments and decrees rendered in said courts were void, as contended by Mr. Baskin in his *Reminiscences*, then the responsibility must rest with congress which held a veto power upon the territorial legislation, and upon the supreme court which several times had that legislation before it for consideration. According to Mr. Baskin himself the very issue of the jurisdiction of said courts had several times been presented yet the court had "avoided" the question of jurisdiction and determined the cases on other issues. Under all the circumstances history has a right to ask: "How far was the United States supreme court swayed in its determination of the non-jurisdiction of Utah probate courts by the passage of the Poland bill which took from the probate courts this jurisdiction?"

It is proper to add to the above that the Poland law,—approved June 23rd, 1874—validated and confirmed the judgments and decrees of these courts which had been executed; also all such decrees and judgments from which, the time to appeal had, by the existing laws of said territory, expired. (See Poland Law, in *Compiled Laws of Utah*, 1888, sec. 31, p. 104).



justices of the peace was extended; appeals would lie from the territorial courts to the supreme court of the United States in criminal cases where the accused was sentenced to capital punishment, or convicted of bigamy or polygamy. The United States marshal was authorized to appoint as many deputies as he might deem necessary, and the United States district attorney as many assistant attorneys as he found needful; "and the costs and expenses of all prosecutions for offenses against any law of the territorial legislature shall be paid out of the treasury of the territory." The supreme court of the territory was authorized to appoint commissioners of said court, who were to have and exercise all the duties of commissioners of the district courts of the United States, and to take acknowledgment of bail, and in addition to have the same authority as examining and committing magistrates in cases arising under the laws of Utah as then possessed by justices of the peace in said territory.<sup>13</sup>

There are other details, but the features of the law here mentioned are those which most affected the civil and political rights of the people of Utah.

#### AN "INVESTIGATING COMMISSION" ASKED FOR

Before the Poland bill was enacted into law, *viz*, on the 16th of February, George Q. Cannon, Utah's delegate in congress, presented a Memorial from the Utah legislature asking that a congressional investigating commission be sent to Utah with instructions to inquire into all alleged political and civic abuses in the territory, with authority to send for persons and papers needed in the prosecution of their inquiries, and to suspend action on all "special legislation for Utah" until after the investigation and report of the commission. This because a large majority of the people of Utah were untruthfully accused of disloyalty, insubordination, and other violations

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13. For complete enactment see *Compiled Laws of Utah*, 1888, vol. i, pp. 101-107.

of the Constitution and laws of the United States. The Memorial denied the charges and challenged their proof. The Memorial, before being sent from Utah, was submitted to Governor Woods, but he refused to join in the petition of the legislature, and it was accordingly sent to Washington without his signature. Mr. Cannon presented it to the house, as above stated, and it was referred to the committee on judiciary. On the 18th of February it was presented to the senate by Mr. Sargent, of California; but no action was taken with reference to it in either house,<sup>14</sup> beyond referring it to the appropriate committees.

#### ACTIONS AGAINST POLYGAMY UNDER THE POLAND LAW

As already stated the Poland law was a much less radical measure than others proposed in the previous congress, and therefore a disappointment to the Utah "ring;" but under its provisions the federal judiciary officers began activities and entered upon prosecutions for polygamy.

In September two arrests for polygamy were made at Beaver, in the second judicial district. In October George Reynolds was indicted at Salt Lake City by the grand jury of the third district (of which more later); and in the following month (doubtless for political effect) George Q. Cannon was arrested at Salt Lake City for the same offense, but his case was later dismissed (April 2nd, 1875), prosecution being barred by the United States statute of limitations.<sup>15</sup>

#### THE BRIGHAM YOUNG-ANN ELIZA WEBB CASE

On the 25th day of February, 1875, the case of Brigham Young *vs.* Ann Eliza Webb Young, came before the third district court. Ann Eliza Webb Young, the plural wife of

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14. See *Congressional Globe* of the 17th and 18th of February, 1874. The Memorial with Governor Woods' veto message will be found in *Deseret News*, weekly, Feb. 11th, 1874. The governor's contention was that the territory needed the special legislation then pending in congress; that the laws of the territory as they then stood were inadequate to the protection of the citizens' rights; that there was usurpation in the powers granted to the probate courts; that the questions now attracting public attention in Utah are matters for judicial investigation alone.

15. The full decision will be found in *Deseret News*, weekly, for 7th April, 1875, p. 153.

the president, at the instigation of the members of the Utah "ring"—George R. Maxwell being named in the title of the case as "her next friend, planting suit"—had in 1873 brought suit for divorce from Brigham Young. In her complaint she alleged neglect, cruel treatment, and desertion; and also set forth that Brigham Young had property worth \$8,000,000, and an income of not less than \$40,000 per month. The plaintiff asked an allowance of \$1,000 per month during the trial of the suit, \$6,000 for preliminary counsel fees, \$14,000 more on final decree, and that \$200,000 be finally awarded her for her maintenance. Evidently the object of the suit, in large part, was extortion. The defendant in his answer which was not filed until the 25th of August, 1875, denied all the charges of neglect, cruelty and desertion alleged by plaintiff; and said respecting his fortune that according to his best knowledge and belief it did not exceed \$600,000, and that his gross income from all his property and every source did not exceed \$6,000 per month; and denied that \$1,000 or any other sum exceeding \$100 per month would be a reasonable allowance to the plaintiff even if defendant was under any legal obligation to maintain her.

The third district court over which Judge McKean presided, on the aforesaid 25th day of February, gave an extended review of the case and ordered defendant to pay the plaintiff \$3,000 to defray the expenses of prosecuting this action; and for her maintenance \$500 per month, "to commence from the day of filing of the complaint herein."<sup>16</sup> It was ordered that the lawyer's fees for prosecuting the action be paid in ten days, and the alimony to the plaintiff be paid in twenty days.

#### THE ANSWER OF BRIGHAM YOUNG

Clearly under the law divorce and alimony could only lie where a legal marriage subsisted between the parties, and in this case legal marriage did not subsist, for two reasons set

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16. The decision *in extenso* will be found in *Deseret News*, weekly, of March 3rd, 1875, and is doubtless in legal annals a curiosity.

forth in defendant's answer: first, for the reason that, although unknown to the defendant at the time of the ceremony of plural marriage with the plaintiff—6th of April, 1868—she was the legal and undivorced wife of one James L. Dee; and, second, for the reason, that the defendant himself on the 10th day of January, at Kirtland, Ohio, 1834, was lawfully married to Mary Ann Angel, who was still living and was the defendant's lawful wife, all which the plaintiff knew both when said plural marriage ceremony was performed and long prior thereto.<sup>17</sup> The defendant admitted, however, that he and the plaintiff were on the 6th of April, 1868, members of the Church of the Latter-day Saints and that it was a doctrine and belief of said church that members thereof might rightfully enter into "plural or celestial marriage," and accordingly plaintiff and defendant were married under such sanctions.<sup>18</sup> That, however, did not constitute a legal marriage, as well known to the parties at the time. Under the law of the land it was illegal from the beginning. There could be no divorce therefore; and there could be no ground for alimony, unless the court was prepared to hold the plural marriage a legal ceremony, and the status of Brigham Young and the plaintiff legally man and wife, and legalize "Mormon" plural marriages.

The answer of Brigham Young in this case—while conceding that it takes advantage of a technicality of the law—is justifiable because the suit was manifestly brought for the purpose of extortion, was vexatious in its character, and intended persecutingly to prosecute Brigham Young rather than to vindicate law or settle a principle.<sup>19</sup>

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17. See defendant's answer in full *Deseret News*, weekly, of Sept. 2nd, 1874.

18. *Ibid.*

19. "Every technicality," said a current *Deseret News* editorial, commenting on President Young's answer, "is taken advantage of to persecutingly prosecute and convict us, and it is our perfect right, if we choose to exercise it, to take advantage of every technicality that the law permits in defending ourselves. \* \* \* When we are attacked in this way, we have every natural and moral right to take advantage of every available circumstance in defending ourselves in emergencies, at our discretion, and this is a matter in which our known enemies need not expect to be consulted, nor to have their remonstrances heeded." (*Deseret News*, weekly, of Sept. 2nd, 1874).



JUDGE McKEAN'S ORDERS—IMPRISONMENT OF  
BRIGHAM YOUNG

With the state of facts before him, as herein set forth, Judge McKean gave the decision and issued the orders as above stated. Brigham Young acting under the advice of his counsel did not pay the counsel fees ordered to be paid within ten days; whereupon he was brought into court on the 11th of March to show why he should not be fined for contempt of court in failing to comply with the order of the court to pay the counsel fees. His answer was that he was advised by his counsel that he was entitled to an appeal from said order of the court, and that pending the determination of such appeal the execution of the order and decree so appealed from may, by law, be stayed; that such appeal had been taken to the supreme court of the territory, and that a good and sufficient undertaking for the purpose of staying the execution of the said order pending the appeal had been filed; that his failure to comply with the court's order was solely to obtain the benefit of said appeal, and not at all to treat contemptuously the orders or decrees of the court.

The counsel of Brigham Young twice asked that he might be excused from personally remaining in court during the arguments of the case, on account of the feeble state of his health; that he was willing to give bond for his appearance whenever required. The only answer to these requests deigned by the court was that the arguments would doubtless be brief. At the conclusion of the arguments the judge wrote out his decision which was read in open court, announcing that Brigham Young was adjudged guilty of contempt of court and sentenced to pay a fine of \$25, and that he be imprisoned for the term of one day—twenty-four hours.<sup>20</sup>

The attorney's fees of \$3,000 were paid immediately by Mr. James Jack, Brigham Young's chief secretary. President Young was already in the custody of a United States deputy

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20. For court proceedings in full see *Deseret News*, weekly, of March 17th, 1875.

marshal, and at the conclusion of the hearing called at his residence where clothing and other necessities for his convenience while in prison were obtained, and then, accompanied by his physician, Dr. Seymour B. Young, the mayor of Salt Lake City, Daniel H. Wells, and a clerk from his office, Mr. Rossiter, he was driven through a snowstorm to the penitentiary; where, for a short time, he occupied with a dozen or more convicted criminals and men awaiting trial, the only cell in the prison; but later was removed to a room attached to the warden's quarters, and here he spent the night. The friends who accompanied him remained at the warden's house. At the expiration of his sentence, March 12th, he came forth from the penitentiary and was quietly escorted to his home by a number of his friends who went out to meet him.<sup>21</sup>

#### DISMISSAL OF MCKEAN FROM OFFICE

How much personal malice prompted this action against Utah's great Pioneer, each one will judge from the circumstances, but there went up from the country such a shout of protest against this action that not even President Grant with all his firmness could longer hold Judge McKean in his place; and five days after he had passed this malicious sentence upon Brigham Young he was removed from office by the appointment of a new chief justice for Utah. Maxwell, the registrar of the land office, who had been especially active in this divorce proceeding in "Young *vs.* Young," was also dismissed from office by the appointment of a new registrar. The removal of Judge McKean, "and that of the registrar of the land office in Salt Lake," said the press dispatch from Washington, announcing the removals, "are caused by what the president deems fanatical and extreme conduct on the part of these officers as evidenced by their violent attacks on Governor Axtel (since Dec. 28th, 1874, governor of Utah, *vs.* George L. Woods, who failed of reappointment), and on certain sen-

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21. Tullidge's *History of Salt Lake City*, p. 616.

ators who recommended his appointment; and by several acts of McKean, which are considered ill advised and tyrannical, and in excess of his powers as a Judge."<sup>22</sup>

Judge McKean continued his residence in Utah, and practiced law, but with no great amount of success; and about three years and a half after his dismissal from office—viz., January 5th, 1879—he died of typhoid fever.

#### THE CHARACTER OF JUDGE McKEAN

Great private and public virtues are claimed for the character of James B. McKean by his friends. These represent him as "among the most upright of judges, and disinterested patriots," a "model judge in every respect;" that his career in Utah territory "marked an era in its annals—a very bright page in its history."

All these claims are made for the character of the judge in a biographical sketch and eulogium by Mr. Fred Lockley published in the *Salt Lake Tribune* of Jan 7th, 1879; and in a memorial address by R. N. Baskin, whom McKean appointed United States district attorney, as seen in the text of this chapter;<sup>23</sup> also a series of resolutions adopted *ad interim* as stated in the text of this chapter; also a series of resolutions adopted by the Salt Lake Bar Committee; and an address to these resolutions from the bench by Judge Jacob S. Boreman. "As a citizen," said R. N. Baskin, in his eulogy of him, "he was without blemish. Free, literally free from every vice: punctual in his engagements, fair in his dealings, truthful in his statements, honest in his convictions, sincere in his professions, ardent in his friendships, and earnest in his devotions." "He was a man of elegant and winning address," said Judge Boreman, "a firm friend, a thorough gentleman, and one of great moral worth and purity of character." This from the eulogy cited above.

22. Washington press dispatch, 16th of March, 1875, *Deseret News*, weekly.

23. *Salt Lake Tribune*, 19th of January, 1879. All this matter is collected in Tullidge's *Quarterly Magazine* for April, 1882, under the title Judge McKean, with a fine steel engraving.

Far be it from this *History* to detract one iota from what is justly due to Judge McKean's character, or to set down ought in malice; but those who so highly rate him as in the above quotations from their eulogies of him, have to reckon with the facts of his usurpations of judicial powers, his vindictive and malicious rulings and decisions in the courts of Utah, not warranted under the law, and which were overthrown by the unanimous decisions of the supreme court of the United States. They have to reckon also with his outrageous ruling in the "Young vs. Young" divorce case, where, in order to harass and humiliate one who had fallen under his displeasure, he departed from the plainest principles of law (to say nothing of Christian spirit and principles), which, connected with the manifest malice in sending Brigham Young to prison, cost him his official head. History is concerned with Judge McKean in his career as a public officer, and what boots his private virtues of temperance and general uprightness in private life, if by guidance of a half-insane prejudice and an overpowering bigotry, and intense hatred of a system of religion which does not meet with his approval, he is led by his fanaticism into usurpations of authority and the wresting of the law to gratify his personal malice?

"He was a judge with a mission"—a self-appointed one—that most despicable of things in official life! According to Tullidge, in January, 1872, in the Ebbett House in Washington (D. C.), "Judge McKean avowed his principles to Judge Louis Dent, brother-in-law of President Grant, in these precise words: '*Judge Dent, the mission which God has called upon me to perform in Utah, is as much above the duties of other courts and judges as the heavens are above the earth, and whenever or wherever I may find the local or federal laws obstructing or interfering therewith, by God's blessing I shall trample them under my feet*.'"<sup>24</sup> A judge avowing such principles as these may not in history be registered as "upright."

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24. *Life of Brigham Young, or Utah and Its Founders*, 1877, pp. 420-1.



Mr. Tullidge does not further particularize this incident than his statement of it as quoted, but the career of James B. McKean as chief justice of Utah territory was in strict accordance with the expressed determination; and there can be no doubt of his avowal of it to Judge Louis Dent.

Whitney, in his *History of Utah*, summarizes into a statement the quotation of Tullidge given above, but without citation to his source of information. Judge Baskin in his *Reminiscences* denounces Whitney's statement as "libelous matter," and adds this comment: "That any judge of intelligence or rectitude would utter the disgraceful, discrediting and absurd language attributed to Judge McKean in the foregoing quotation, is too extraordinary and improbable to admit of belief, especially on the uncorroborated statement of a historian as unscrupulous as Whitney has shown himself to be."<sup>25</sup> But Whitney is not uncorroborated as shown from the statement of Tullidge cited above; and besides, the declaration to Judge Dent is in strict harmony with Judge McKean's conception of the mission character of his judgeship when he said from the bench—"While the case at bar is called 'the People *vs.* Brigham Young,' its other and real title is 'Federal Authority *vs.* Polygamic Theocracy.' \* \* \* A system is on trial in the person of Brigham Young."<sup>26</sup> In view of the evidence on the point, and the corroboration to his statement, Mr. Whitney may very properly and effectively appropriate the characterization of Judge McKean's utterance made above by Judge Baskin, as to the "disgraceful discrediting, and absurd language" of the passage.

In further evidence that the language attributed to Judge McKean in conversation with Judge Louis Dent was valid and a well settled fact, the legislature of 1884 in its Memorial to congress quoted that declaration and boldly submitted it to congress.<sup>27</sup>

25. Baskin's *Reminiscences*, p. 46.

26. *Court Record*, third district, September term, 1871.

27. Memorial given in full *Millennial Star*, vol. xlvi, p. 307.

District Attorney Bates in summing up the judicial administration of Judge McKean presents the array of facts thus:

"The five years of judicial mal-administration of McKean in Utah may be summarized as follows:

1st—\$100,000, of United States public money, belonging to the department of justice, have been squandered there.

2nd—No Mormon has ever been convicted, during that period, of any offense against the laws of the territory, or of the United States, except:

3rd—The case of the United States *vs.* George Reynolds, for polygamy, where the verdict of guilty was found by a jury, nine of whom were Mormon polygamists; and the witnesses who furnished all the evidence, including the plural wife herself, were all polygamists—which case is expected to go to the supreme court of the United States, where the validity of the Act of 1862 will be finally settled, as it would have been in 1872, had not the plan then agreed upon been frustrated by the federal officials in Utah.

4th—These illegal prosecutions, including the false imprisonment of Brigham Young and the leaders of the people, have cost them in counsel fees, loss of time, and injuries to their business at least \$500,000.

5th—The panic and alarm created thereby in the states of the Union, and the fear of a collision between the authorities and the Mormon people have driven or kept away millions of dollars of capital."<sup>28</sup>

Whatever may be claimed for Judge McKean's private life and character let us hope that the desire of his friends to have him regarded as the model of "an upright judge" will continue to meet with disappointment.

#### GEORGE R. MAXWELL—DISMISSAL FROM OFFICE

As already seen, the registrar of the land office in Utah, George R. Maxwell, was removed from office by action of the administration at Washington at the same time that Judge McKean was removed from office, and largely, doubtless because of his activity in the "*Young vs. Young*" case. But in addition to his activity in the divorce case Maxwell had rendered himself obnoxious in his administration of the land office, in Washington as well as at Salt Lake City. Unsettled conditions prevailed for a number of years. Of this con-

<sup>28</sup>. United States Attorney Bates quoted in *History of Salt Lake City*, Tullidge, pp. 619-20.

dition Mayor Wells, in an interview with the *Cincinnati Commercial* correspondent in Utah said:

"It is no fault of the United States government that we are not now peacefully possessing the titles to the ground we have redeemed, and which congress wishes us to retain. It is the fault of the unrelenting land registrar here, Maxwell, who has entertained and abetted every petty and malicious claim contesting our right to the site, and who hinders the entry of our city, apparently with the object of being bought off or of discouraging us, or even of robbing us of it.

*Correspondent*:—Give me the names of all the claims which Maxwell has entertained against the city.

*Mayor Wells*:—Well, there are the Robinson, Slosson, Williamson and Orr cases. Robinson was a retired surgeon of the army, who kept a billiard saloon and was a sporting man here. He jumped the Warm Springs property, our public bathhouses on the outskirts of the town, with eighty acres of envioning land, although we had walled up the spot, dammed the warm stream, fenced the enclosure and used it so long under municipal regulations that the pump cylinder with which we tubed the spring had rotted away. Robinson put a tent and a guard by the spring and built a fence within our fence—a most impudent attempt to jump our property. We removed his obstructions and he embarrassed us at law until his death, when his widow continued the suit, and the land agent actually permitted her to make a cash entry of the place. Very differently did the Washington authorities behave. The commissioner of the land office decided without hesitation in our favor and the secretary of the interior confirmed it.

*Correspondent*:—What was the Slosson claim?

*Mayor Wells*:—Slosson was a fellow who first rented a quarter section of ground from the city, on the road leading to Camp Douglas, and when he undertook to keep a rum shop on it, in violation of law, we ejected him. He was then abetted by this Maxwell, in a barefaced attempt to claim it and enter it; Maxwell's decision was reversed by the heads of department at Washington.

The other two claims are even more preposterous, yet they are received and considered, and instead of disposing of them, Maxwell spends his time acting as volunteer counsel against us in criminal cases before the United States court. Williamson jumped a bit of ground, claiming (it under) the preemption laws, and put a shanty upon it. It was a spot we had long previously reserved for a parade ground. J. M. Orr, a lawyer here, filed also Chippewa scrip for eight acres between Ensign Peak and Arsenal Hill, half a mile from the heart of the city. Now, scrip can only take up land for agricultural purposes, and this claim is impudent beyond degree, but this land registrar entertains it, refuses to decide it, and so keeps back our entry. We are nearly or quite twenty thousand people; our city is as old as many great towns in the Mississippi valley; but here men are allowed to preempt farms right in the midst of us as if they meant to plow us under.

*Correspondent*:—What should I suggest, General Wells?

*Mayor Wells:*—Why the general land office ought to instruct this devilish Maxwell not to entertain these paltry claims, each of which is a paltry reproduction of claims already thrown out. The government means to encourage the formation and building of towns, but this agent vetoes the law in the case of the largest town ever established on the public lands."

Such were the annoyances to which the early settlers were subjected by federal officers sent from eastern states to administer their affairs. The *Cincinnati Commercial* is quoted at length by Whitney.<sup>29</sup>

#### GOVERNOR GEORGE WOODS—FAILS OF REAPPOINTMENT

Relative to Governor George Woods who about the time of McKean and Maxwell's dismissal from office was seeking for reappointment to the governorship of Utah. But Governor Woods, the third member of the trio that plagued Utah for several years past—Woods, McKean, Maxwell—Governor Woods failed of reappointment which was announced in the same dispatch from Washington that brought the news to Utah of the dismissal of Judge McKean and Land Registrar Maxwell. The dispatch stated that failing of reappointment for governorship of Utah, Woods at that date was making efforts to obtain either the superintendency of the San Francisco mint, or some foreign mission, "but he is regarded as an impecunious place hunter, without chances of success." And yet such a character had been imposed on Utah as governor for four years!

#### CLOSING OUT OF THE "YOUNG *vs.* YOUNG" CASE

Following is the record that remains of the divorce case of "Young *vs.* Young:"

The successor of Judge McKean as chief justice of Utah was David B. Lowe, of Kansas. On his arrival in Salt Lake City in April, 1875, he was assigned to the third judicial district and on the 24th of that month Brigham Young was

29. *History of Utah*, vol. ii, ch. xxii.



brought before him to show cause why he should not be punished for contempt in not paying the \$9,500 accumulated alimony allowed to Ann Eliza Webb Young by his predecessor, Judge McKean. After hearing arguments in the case the court held that in all cases of divorce the law was plain and the authorities overwhelming that alimony could not be awarded unless a valid marriage was either first admitted by the parties or proved. The defendant had alleged in answer that "the marriage in question was a bigamous and polygamous one, and the allegation not being denied, must be taken as true. \* \* \* The decision of the court was that the writ of attachment be denied and the order be set aside."<sup>30</sup>

That decision did not settle the case. Judge Lowe, soon after giving his decision, resigned, and was succeeded by J. Alexander White; but before his arrival in Utah the case was taken before Judge Jacob S. Boreman (another judge with "a mission") sitting in the third district, who readjudicated the matter decided by Judge Lowe and ordered the defendant imprisoned until the sum of \$9,500 be paid. As the court did not order that the imprisonment should be in the penitentiary, the United States marshal exercised his discretion and held his charge in custody at the prisoner's own residence. On November 12th a writ of *habeas corpus* was taken out before Judge White, who held that the action of Judge Boreman was unauthorized and void, and President Young was delivered from the custody of the marshal. Judge White remained in Utah but three months, his appointment had not been confirmed by the senate, and his name was withdrawn by President Grant in March. Judge White was succeeded as chief justice by Michael Schaeffer, and the vexed question of alimony came before him; the accumulated sum now amounted to \$18,000; but Judge Schaeffer reduced the alimony *pendent lite* to \$100 per month, which reduced the accumulated sum

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30. *Deseret News*, weekly, of May 12th, 1875: "The decision \* \* \* is considered by members of the bar generally to be the most learned opinion ever delivered from the bench in this territory." (*Ibid*).

to \$3,600. This the defendant, on the 31st of July, 1876, was ordered to pay, or in default thereof an execution would issue against his property to satisfy the order. Said order was allowed to issue and the alimony so paid.

In April, 1877, the divorce case came to trial, the result of which was no other than could have been foreseen from the beginning, *viz.*, that the polygamous marriage between parties was null and void under the law of the land from the beginning.<sup>31</sup> All orders of temporary alimony which had not been complied with, paid or collected, were revoked and annulled, but the costs were assessed against the defendant.

This case of "Young *vs.* Young" was malicious and vindictive, and instituted purely for extortion and for the vexation and annoyance of Brigham Young. It was brought into court against the plainest principles of law, and its record is a disgrace to those who instituted it.

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31. "It is ordered, adjudged and decreed that the alleged marriage between the plaintiff and defendant on the 6th day of April, 1868, was and the same is hereby decreed and declared to have been and to be null and void *ab initio*." (Decree of the court, from certified copy published in *Deseret News*, weekly, of April 2nd, 1884, p. 165). This citation because it was declared in the *Chicago Inter-Ocean* by attorney in the cases, John R. McBride that the court had "annulled" the marriage in that case. (*Ibid*, p. 163).

## CHAPTER CXLIV

### MISCELLANEOUS EVENTS 1872-1877: NATIONAL PARTY LINES— DECISION OF THE SUPREME COURT OF THE UNITED STATES ON POLYGAMY

FOLLOWING closely the political and judicial events of the McKean period has excluded the consideration of a number of events running parallel with those considered, and which now demand attention.

#### THE CHICAGO FIRE

Prominent among these was a great national calamity which caused the people of Salt Lake City to stand together again for a moment,—as in the case of the assassination of President Abraham Lincoln—forget their animosities and unite in expressing sympathy with and giving aid to, those upon whom the calamity had fallen. These were the citizens of Chicago, and the calamity was the Chicago fire which began on the 8th and continued to the 10th of October, 1871. The loss was estimated at nearly \$200,000,000 in property. Upward of 17,450 houses were burned, 98,500 persons were rendered homeless, and over 250 persons lost their lives.<sup>1</sup> Throughout the land other cities responded to the cry of distress, and prompt relief was given to the sufferers from the

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1. *Appleton's Annual* for 1871, p. 394. See also *History of the United States*, Bryant-Gay-Brooks, vol. v, p. 426. "The Chicago fire began on Sunday morning, October 8th, in a small wooden barn on De Koven street, in what is known as the western district of that city. A woman was milking a cow by the light of a small kerosene lamp which the animal kicked over and broke. The little flame then kindled spread rapidly, fanned by a strong westerly wind, raged all that night and the following day, and was not checked until 2.124 acres of city property had been burned. \* \* \* This enormous devastation was accomplished in parts of the city which were representative of the whole. In the sheets of flame were destroyed great blocks of costly and ornate business houses, elegant private residences, and buildings of the United States, the county, and the local government. The same destructive flood swept away vast piles of lumber, extensive shops and factories, thousands of tons of coal, and the humble homes of working people and the poor. Structures of stone, brick, iron, or marble, erected in a belief that these were absolutely fireproof, were reduced to heaps of calcined material or warped and twisted metal. In the seething flames that seemed to lick the heavens, everything but the solid earth on which the city was built was utterly destroyed; and when the torrent of fire was finally stayed, acres of blackened debris, sullenly smoking in ruin, covered the site of two great divisions of Chicago." (*Ibid*).

great disaster. In this work Salt Lake City equalled both in promptness and in proportionate amount the foremost cities of the country. On the 10th of October—before the fire in Chicago had completed its ravages—Mayor Wells called a mass meeting of the citizens in the “Old Tabernacle” to convene at one o’clock the next day to raise funds in aid of the fire sufferers. The meeting was addressed by a number of prominent men both “Mormon” and non-“Mormon.” The chairman of the meeting—Mayor Wells—announced that Brigham Young had authorized the statement that a benefit in aid of the Chicago sufferers would be given at the Salt Lake Theater one evening during the week, for which he gave free use of the house. Mrs. Lippincott—“Grace Greenwood”—a public lecturer and visitor in the city proposed giving a public lecture in aid of the sufferers in the “Old Tabernacle;” Brigham Young led the subscriptions by a gift of \$1,000; quite a number of both non-“Mormon” and “Mormon” business men followed with donations of \$500; Mayor Wells announced that he was authorized to give \$1,500 in behalf of Salt Lake City. In all at this meeting \$6,282 was raised.

In the evening another mass meeting was held in front of the Salt Lake House on Main street; John T. Caine called the meeting to order and Major C. H. Hempstead was elected chairman. Many addresses were made and more subscriptions were taken. The Masonic fraternity also opened a subscription. From all sources Salt Lake City promptly raised about \$20,000 in aid of the Chicago fire sufferers, the larger portion of which came from the “Mormons,” and that in the face of the fact that this call came upon them when their leading men, President Young, Mayor Wells and other leading brethren were being placed under arrest on trumped-up charges of “murder” and other crimes; and when Judge McKean was rendering some of the most outrageous of his decisions, and delivering anti-“Mormon” speeches from the bench. But then it was a real human cry for help that arose from the smouldering ruins of Chicago, and certainly less than “Chris-



tians'' would the Latter-day Saints have been, had they not responded to that cry.

Of this prompt response of the people of Salt Lake City, and emphasizing the unexpected generosity of the Latter-day Saints in the matter, Mrs. Lippincott—the proceeds from whose lectures amounted to \$300 for the Chicago fire sufferers—thus wrote to the *New York Herald*, (her letter bears date of Oct. 12th) :

#### PEN PICTURE OF BRIGHAM YOUNG

"In the 'Old Tabernacle' yesterday, we attended a mass meeting, called by the mayor, to raise money for the relief of the Chicago sufferers. Here we saw Brigham Young, and I must confess to a great surprise. I had heard many descriptions of his personal appearance, but I could not recognize the picture so often and elaborately painted. I did not see a common, gross-looking person, with rude manners, and a sinister, sensual countenance, but a well dressed, dignified old gentleman, with a pale, mild face, a clear grey eye, a pleasant smile, a courteous address, and withal a patriarchal, paternal air, which of course he comes rightly by. In short, I could see in his face or manner none of the profligate propensities, and the dark crimes charged against this mysterious, masterly, many-sided and many-wived man. The majority of the citizens of Salt Lake present on this occasion were 'Mormons,' some of them the very polygamists arraigned for trial, and it was a strange thing to see these men standing at bay, with 'the people of the United States' against them, giving generously to their enemies. \* \* \* President Young gave in his thousand and the elders their five hundred each as quietly as the poor brethren and sisters their modest tribute of fractional currency. It is thought that Utah will raise at least \$20,000. There is to me, I must acknowledge, in this prompt and liberal action of the Mormon people, something strange and touching. It is Hagar ministering to Sarah; it is Ishmael giving a brotherly lift to Isaac."

#### ANOTHER EFFORT TO OBTAIN STATEHOOD

In January, 1872, the legislature passed an act providing for the election of delegates to a convention to frame a Constitution and memorialize congress for the admission of Utah into the Union.

Governor Woods refused to sign the bill because in his view it dealt with a matter that was not a rightful subject of legislation by the territory; and further held that an enabling act by congress was a necessary prerequisite to the call-

ing of such a convention.<sup>2</sup> The legislature appointed a special committee to express the sense of the house relative to the action of the governor; and its report held the governor's explanations for vetoing the bill as "unsound in reason, untrue in allegation and accusation, and a direct insult to the law-abiding people of Utah."<sup>3</sup>

The legislature passed a conjoint resolution, independent of the governor, providing for the election of delegates to a constitutional convention which were proportioned to the counties according to population, and appointing the 19th day of February, 1872, for the time of convening said convention.<sup>4</sup>

There were several reasons that conjoined in making the effort to secure statehood at this time opportune: First, it was urged upon the attention of the church leaders that there was sufficient uncertainty in the approaching presidential election (1872), to make it desirable to the Republican party, if it could be done "without abandoning any of its enunciated principles, or violating any of its distinct pledges," to admit some new states if the electoral votes of such states could be pledged to President Grant for a second term. Such in part was a suggestion made to the Latter-day Saint Church leaders in a letter to George A. Smith, under date of Dec. 11th, 1871.<sup>5</sup> There was a policy much discussed

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2. This veto document is found in *Deseret News*, weekly, of Jan. 31st, 1872.

3. Full text of the report is in the legislative proceedings *Deseret News*, weekly, of Feb. 7th, 1872. The special committee, in contradiction of the governor's assertion that it had been "the uniform practice of congress to confer that power [i. e. the calling of a constitutional convention] through enabling acts," cited the case of Arkansas, admitted in 1836, previous to which an act had been passed by the territorial legislature, *without the approbation of the governor*, calling a convention to form a state Constitution preparatory to admission, a "measure taken without previous action of congress;" Michigan, admitted in the same year, took practically the same action, except that the governor united with the legislative council in that instance; and California was admitted in 1850 without an enabling act. (See *Committee's Report*, as above cited).

4. Joint Resolution will be found in *Deseret News*, weekly, of Feb. 7th, 1872.

5. See letter in *History of Brigham Young, Ms.*, 1871, vol. ii, pp. 1991-9. The proposition was diplomatically introduced and elaborately discussed by Mr. Frank Fuller in the letter here cited. Mr. Fuller was the ex-secretary of the territory of Utah, having served under the brief governorships of Dawson and Harding, and twice acting governor by reason of these governors being absent from the territory. "I come to still another concession which, as I indicated to President Young, *must be*

at this time through the press of the country, which looked to the admission of Utah into the Union with a constitutional provision forbidding the contracting of plural marriages for the future, and thus ending the vexed "Mormon" question. Second, the radical course of Governors Shaffer and Woods, and the prosecutions of the McKean regime, had divided the Gentiles in Utah, and many of them were dissatisfied with the extreme radicalism of the period; and it was believed, and upon good grounds, that they would unite on such a plan for the admission of Utah as was proposed by Mr. Fuller, and many other friends of Utah both inside and outside of the territory; and not a few among the "near" leaders of the "Mormon" people favored such a step as was now proposed.<sup>6</sup>

Out of the nineteen delegates elected from Salt Lake county nine were non-"Mormons;" though in the Salt Lake City election, held that same month, the People's (i. e. "Mormon") ticket was elected by an average vote of 4,500, as against an average vote of 550 for the Liberal party ticket. Of the non-"Mormons" elected General P. E. Connor resigned the nomination, not being a citizen of Utah, and S.

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made," said he. "I allude to the prohibition of the future extension of polygamy." His plan contemplated that this measure should be forced into the Constitution by Gentiles and non-polygamous "Mormons" rather than by the "Mormon" people preferring to make a surrender of plural marriage.

6. Undoubtedly the church leaders were seriously considering this proposition. The fact that ex-Secretary Frank Fuller was in communication with both President Young and George A. Smith on the subject would indicate that (see letter previously cited note 5). The following statement occurs in the minutes of the School of the Prophets for the 9th of Dec., 1871. "President Wells talked on polygamy—would not think it strange if God would take that principle, back to himself for a season, through the wickedness of his people." (*History of Brigham Young, Ms.*, for 1871, vol. ii, p. 1980). The "wickedness" referred to would doubtless mean general inability of the people to grasp the high intent of the principle of this marriage system. (See chapter cxxv this *History*).

7. The delegates from Salt Lake county were nominated in a mass convention held for the purpose. When nominated and called upon for a speech, Mr. Thomas Fitch a "Gentile" who had recently removed into Utah from Nevada, said that he did not wish any one "to vote for him under a misapprehension." "He would endeavor, if elected, to help frame a Constitution that would assimilate the social and political life of Utah to that of all other states; and that would aid to render her institutions homogeneous with theirs." (*Deseret News*, weekly, of Feb. 7th, 1872, p. 9). That meant he would work for a Constitution prohibiting future polygamous marriages.

Sharp Walker declined taking part in the convention, being 'opposed to the admission of Utah at the present time.'"<sup>8</sup>

The convention assembled on the 19th of February. No sooner was the convention organized than Judge Wm. Haydon of Salt Lake county moved its adjournment, *sine die*, for the reason that the people through the usual methods of petitions and mass meetings had not signified their desire for statehood; that the population was not sufficient under a recent law of congress; that Utah was not prepared to meet the burdens of statehood; that the present convention was called without the authority of law. Judge Haydon was answered by Colonel T. P. Akers and Colonel D. E. Buel, both non-"Mormons." On the second day Colonel Thomas Fitch made an extended argument against the Haydon motion and in favor of statehood for Utah, in which he made a scathing review of the McKean judicial regime in Utah.<sup>9</sup> He was followed by Hon. Frank Fuller, General E. M. Barnum, and Mr. Hadley D. Johnson, all non-"Mormons," who opposed the motion to adjourn, and so too did George Q. Cannon. When the roll was called on the motion it was lost by a vote of 93 to 1; the one vote being given by Judge Haydon. The Constitution of Nevada was used as a basis for the Constitution to be then framed. The further procedure of this convention can be of no further interest to history, except as to its action in regard to polygamy as related to this effort for statehood. No direct effort was made by constitutional provision to prohibit in future polygamous marriages in the new state; though in Mr. Fitch's speech against Judge Haydon's motion to adjourn the convention *sine die*, a most earnest and able plea was made by that gentleman for the convention to adopt some measure of that kind, in order to secure statehood and avoid the continuance

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8. The list of all the delegates and their counties will be found in *Deseret News*, weekly, of Feb. 21st, 1872.

9. The speech in full is published in the *Deseret News*, weekly, of Feb. 28th, 1872.



of a conflict that could have but one result—the overthrow of the practice.

Strange to say, although there were many able men of the “Mormon” faith in the convention, men who disagreed with Mr. Fitch’s position, none attempted to answer his elaborate and carefully prepared argument on that head. The only thing said of it on the “Mormon” side was by George Q. Cannon, who merely declared that he had been unconvinced by the speech of Mr. Fitch. But what the “Mormon” members would not attempt to do Judge Haydon in reply to Mr. Fitch did for them, he said:—

“What will history write? What will the world say of a convention composed almost entirely of Latter-day Saints, among whom are six apostles and twenty bishops, ready and willing to sacrifice one of their divine ordinances for the sake of a state government? Harken to the words of a Gentile, who is no enemy of yours, but who has every reason to be your friend, who has no favors to ask except those that one Christian may rightly demand of another. Stay where you are and bide your time! ‘Learn to labor and to wait,’ until a new ordinance shall manifest itself for your guidance.”

To this Mr. Fitch replied: “The difference between my colleague and myself may be briefly stated thus: I wish the people of Utah to give up McKean and polygamy, he desires the people of Utah to stand by polygamy and McKean.” Which reply the convention greeted with applause. The argument of Judge Haydon was not sincere; it was a bit of irony only; he was using it because desirous of preserving the *statu quo* of Utah affairs.

What was avoided in the convention by direct means for the discontinuance of polygamy in the proposed new state was attempted by indirection, *viz.*, by submitting to congress the opportunity to prescribe the conditions on which Utah might be admitted into the Union, which condition would be submitted to the vote of the people of Utah. This was provided for in the “Ordinance” of the proposed Constitution as follows:

"We, the people of the territory of Utah, do ordain as follows:

\* \* \*

V. That such terms, if any, as may be prescribed by congress as a condition of the admission of the said state into the Union, shall, if ratified by a majority vote of the people thereof, at such time and under such regulations as may be prescribed by this convention, thereupon be embraced within and constitute a part of this ordinance."<sup>10</sup>

This section was discussed on the 5th day—the convention ran through twelve days in all—under a motion to eliminate it, but the motion was lost. "Mormon" members were found on each side of the question. The venerable Orson Pratt was in favor of eliminating it; so, too, was Charles C. Rich, of Bear Lake county. George Q. Cannon favored its retention on the ground that the section "gave congress the opportunity to say what terms were required for the admission of Utah."<sup>11</sup> It was expected, of course, that congress would insist upon a provision prohibiting polygamous marriages for the future, and this condition precedent to statehood, under "clause V" of the "Ordinance," would have been submitted to the vote of the people.

It would appear from the passage of the above "clause V" that had congress but acted at that time, and prescribed the state constitutional inhibition of polygamous marriages as a condition precedent to statehood, the people would have ratified such a clause, and the question of polygamy would have been settled then (1872) instead of about a quarter of a century later, *viz.*, 1896. But this was later denied by President John Taylor, and several other prominent elders, as being the object of the passage of the somewhat celebrated "clause" in the "Ordinance" of the Constitution. "Its object," said President Taylor, "was to obtain the views of congress

10. The committee on ordinance that reported this clause consisted of George Q. Cannon, Joseph W. Young (nephew of President Young), John T. Caine, Abraham O. Smoot, Thomas Fitch, Franklin D. Richards, William Jennings, John Rowberry, and John Sharp.

11. The convention's proceedings are published in full in the *Deseret News*, weekly, of Feb. 21st, 28th, March 6th (in which number the Constitution also appears), and March 13th, 1872. Much of the convention proceedings is also reproduced in Tullidge's *History of Salt Lake City*, chapters lxvi and lxvii. General E. M. Barnum was president of the convention.

and the conditions it would impose before admitting us as a state, and then lay them before the people." On the same occasion, Elder Charles W. Penrose, then editor of the *Deseret News*, said: "The entire proceedings [i. e. in the passage of 'clause V'] were intended merely to give congress a chance to admit us or show why we were not admitted." Both repudiated the idea that there was any intention to surrender the practice of plural marriage for statehood. This was developed in an interview between O. J. Hollister, collector of United States internal revenue for Utah, correspondent also of the *New York Tribune*. Mr. Hollister had sought the interview in his latter capacity. The date of it was January 13th, 1879. Seven days before, the supreme court of the United States had rendered its decision in the Reynolds polygamy case, and the *New York Tribune*, through its representative, was seeking to learn the attitude of the church authorities upon the decision. Incidentally Mr. Hollister brought up "clause V" of the ordinance of the Constitution of 1872, with the above result.<sup>12</sup>

After the adoption of the Constitution by the convention, George Q. Cannon, Thomas Fitch and Frank Fuller were elected to proceed to Washington to present it and also the Memorial adopted, urging the admission of Utah into the Union. Meantime the Constitution was submitted to a vote of the people, and at the same time a representative to congress was voted for from the prospective state. The vote on the Constitution was a total of 25,160 for it, and a total of 365 against it; and for representative to congress, Hon. Frank Fuller, 24,987; W. H. Hooper, 145; Mike Fuller, Tooele, 15.<sup>13</sup>

Mr. Barnum, president of the late constitutional convention, by proclamation convened the legislature of the "State of Deseret" on the 4th of April, which met accord-

12. The interview from the *New York Tribune* will be found in extenso *Deseret News*, weekly, of Jan. 29th, 1879.

13. *Deseret News*, weekly, of April 3rd, 1872. General Eli M. Barnum, Robert L. Campbell and Elias Smith were the board of canvassers.

H. Hooper and Thomas Fitch United States senators, and then adjourned "to meet again on the third Monday in the month succeeding that in which the 'State of Deseret' by act of congress and presidential proclamation should be admitted as a state into the Union."<sup>14</sup>

#### ATTEMPTS TO ORGANIZE THE PEOPLE OF UTAH ON NATIONAL PARTY LINES

There was also an effort made in connection with this 1872 movement for statehood to organize the people of the territory on national party lines, and thus abolish their division into church and anti-church parties. The territorial Republican convention met in Salt Lake City on the 5th of April, to nominate delegates to the national Republican convention at Philadelphia. Hon. Frank Fuller and Hon. Thomas Fitch were named as delegates, and George A. Smith and Wm. Jennings as alternate members.<sup>15</sup>

A Democratic mass convention was held in Salt Lake City on the 8th of April, 1872, which drafted resolutions declaring their principles and provided the machinery in a territorial central committee for the future guidance of the party's movements. Also this convention contemplated the appointing of three delegates to be sent to the national Democratic convention to meet at Cincinnati in July, but whether or not the delegates were chosen and sent to the convention is not stated in the minutes of the Utah convention.<sup>16</sup> On the 13th of July, the national Democratic party having put in nomination Horace Greeley and B. Gratz Brown for president and vice president, a great Democratic ratification meeting was held in Salt Lake City. It was the greatest politically and continued through three days, electing Hon. W.

14. *Deseret News*, weekly, of April 3rd and 10th, 1872.

15. The minutes of the convention, which are quite elaborate, are published in *Deseret News*, weekly, of April 10th, 1872. A series of resolutions in support of the Republican party was adopted, and the names of the delegates are published. Franklin D. Richards was temporary chairman and president of the convention. George A. Smith delivered an extended speech. Both "Mormon" and Gentiles were well represented in the convention. A central territorial committee was chosen of which John T. Caine, ex-governor, S. A. Mann, and Daniel H. Wells were members.

16. See *Deseret News*, weekly, of July 17th, 1872.



gathering ever held in Salt Lake City up to that time. There were firing of cannons, and two bands of musicians were in attendance. The concourse outside the hall numbered four or five thousand. General E. M. Barnum was president of the meeting. There were thirty-two vice presidents chosen, among whom were W. H. Hooper, George Q. Cannon and a number of prominent non-"Mormons." The report of the meeting and the speeches cover two and a half full pages of the *Deseret News*.<sup>17</sup> Fourteen days later the territorial convention made up of delegates from the various counties met in Salt Lake City for the purpose of announcing a platform of principles and nominating a delegate to congress. The third plank of the platform read:

"Third—That in Utah as in the nation, ours is the party of conciliation, peace and progress, and that we condemn the unwise policy of the present administration towards the people of this territory.

That we recognize the fact that the public sentiment of the nation, and our own best interests alike require that domestic institutions and local government here should be moulded to conform with those of all other American communities, but that this end may best be achieved by the exercise of that policy of justice, toleration, and magnanimity, to which our national party organization is everywhere pledged."<sup>18</sup>

Two candidates were placed in nomination before the convention, George Q. Cannon and Mr. J. P. Page. The former gentleman had received the nomination of the People's party (13th of July) and the question was raised as to whether he would accept the Democratic party's declaration on the subject of "domestic institutions" in Utah, as quoted in the resolution above, and meaning, of course, the abandonment of the plural marriage system of the Latter-day Saints. Mr. A. J. Faust placed Mr. Cannon in nomination, Mr. Charles W. Penrose seconded the nomination in a vigorous speech; but when asked if he would pledge Mr. Cannon to the platform just adopted, he replied that he was not authorized to speak in any way for Mr. Cannon. What Mr. Penrose refused to do, however, Mr. Faust did not hesitate

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17. *Ibid* of July 31st, p. 380.

18. *Deseret News* for April 17th, 1872, p. 144.

to do. "I can pledge Mr. Cannon to anything that has been written there," said Mr. Faust, referring to the platform. Colonel Akers, who had raised the whole question, said:

"I am ready [then] to support him. And I would like to state further that, as the gentleman who placed Mr. Cannon in nomination, has given this convention a pledge, on the part of Mr. Cannon, that he would adopt the platform, I wish it understood that he goes forth to the country as the candidate of this convention if he receive a majority of votes, announcing that the best interests of Utah require that its citizens array themselves under the banners of the great political parties of the country, also declaring that the formation of political organizations upon the basis of a difference in religious belief is opposed to the genius of our republican system; and declaring, finally, that the public sentiment of the nation, and our own best interests, alike require that domestic institutions and local government here should be moulded to conform to those of all American communities. That is what our candidate says; that is what the gentleman placing him in nomination pledges him to say, and, on that platform, I would as soon vote for George Q. Cannon as any man in Utah; and on that platform I will cast my vote for him. (Applause).

It is understood that we will only consider him the candidate of the convention when he writes us a letter of acceptance."<sup>19</sup>

The convention then proceeded to ballot, with the result that Mr. Cannon received fifty votes, and Mr. Page twenty-three. The vote for Mr. Cannon was made unanimous.

The anti-"Mormon" forces in Utah, and the anti-"Mormon" sentiment in the east, however, were too strong at that time to permit this effort to "conform conditions in Utah to those of all other American communities," to succeed.

#### FAILURE OF REPRESENTATION AT THE NATIONAL REPUBLICAN CONVENTION

When the Republican representatives to the national convention, Frank Fuller and George A. Smith, presented their credentials at the convention in Philadelphia, they were confronted by Messrs. Gould and Hollister, the former post-master at Salt Lake City, and the latter collector of internal

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19. It is doubtful if this was done. The records disclose no such letter.

revenue at the same place, as rival delegates. They had been chosen by the anti-“Mormon” Republicans of Salt Lake City—chiefly a coterie of federal officeholders—and sustained their application in a paper presented to the convention which concluded with the following reference to their opponents:

“We cannot see how the national Republican convention could recognize polygamy, by the admission of Smith and Fuller, without self-stultification; without placing a premium on disloyalty and quasi-rebellion; without doing great injustice to the loyal people of Utah, and outraging a sense of decency, as well as the true politics of the entire nation, without distinction as to party.”<sup>20</sup>

The committee on credentials proposed to admit both delegations and divide the votes between them, but this compromise Messrs. Fuller and Smith declined, and left the convention, and Messrs. Gould and Hollister were seated.<sup>21</sup>

The Memorial and Constitution for Utah’s admission to the Union were presented in both the senate and the house on the 2nd of April, and referred to the committee on territories in each house; but no further action was taken by congress, and the hopes of the people of Utah for state sovereignty, even with polygamy sacrificed, were disappointed.

#### INTERVIEW WITH PRESIDENT U. S. GRANT ON UTAH STATEHOOD

The attitude of both houses of congress, and of the country at large is well represented by the attitude of President Grant in the following anecdote in the *Cincinnati Commercial* from its Washington correspondent of the period. The interview appeared under the caption—

#### “WASTED ARGUMENT”

“Senator-elect Fitch, from the embryo ‘State of Deseret,’ called upon the president a few days ago to talk over Utah affairs. He found the president enjoying a cigar.

‘Mr. President,’ said the colonel, ‘I want to try and convince you of the advisability of admitting Utah into the sisterhood of states.’

‘I am unalterably opposed to the admission of Utah,’ answered the president.

20. *Salt Lake Daily Herald* of June 8th, 1872.

21. *Ibid.* See also *Deseret News*, daily, of June 7th, 1872.

'Yes, but you have been prejudiced against the people out there by unfair advisers,' said Fitch.

'I am unalterably opposed to the admission of Utah,' was the reply.

'But our population is sufficient; we have made a fair Constitution, and it would be a great relief to the people out there to get into the Union.'

'I am unalterably opposed to the admission of Utah,' again replied the firm man.

'Under any terms?'

'Yes, upon any terms. At least they should not come in until they learn how to behave themselves.'

'If you refer to polygamy, they will no doubt surrender that for the sake of admission and peace, although it is one of the doctrines of their church.'

'And murder is one of the doctrines of the church, ain't it?'

'No, indeed; there are less murders committed there than in any of the surrounding territories. As I said before, you have been very much misinformed about the true condition of affairs. You surely don't believe everything you hear against the Mormons?'

'Where there is so much smoke there must be some fire,' answered the president.

'Suppose we should say the same about all the lies told about you?'

Silence and smoke.

'By admitting us the troubles out there would be at an end.'

Silence and smoke.

'It is of the highest importance to the welfare of her people and the development of the rich resources of the territory that Utah be admitted.'

Silence and smoke.

'Is your mind, Mr. President, so firmly made up, that whatever arguments might be addressed to you would be useless?'

'I am unalterably opposed to the admission of Utah,' replied our firm president, and the charming interview ended."<sup>22</sup>

#### THE REYNOLDS POLYGAMY TEST CASE—THE FIRST TRIAL

To this period belongs the Reynolds polygamy case which finally led to the submission of the congressional law of 1862 to the supreme court of the United States.

For some time there had been a desire on both sides of the polygamy controversy to have the pronouncement of the supreme court of the United States upon this law. After the supreme court's decision in the Engelbrecht case, and while yet in the east, District Attorney George C. Bates announced it as his intention to indict a number of leading

22. *Millennial Star*, vol. xxxiv, p. 454.



"Mormons," with their consent and approval, for the violation of the bigamy law of 1862, in order to test the constitutionality of that law. This he also represented met with the approval of President Grant.<sup>23</sup> But before this program could be carried out Mr. Bates was superseded in office. In October, 1874, however, George Reynolds, private secretary of Brigham Young, and a man noted for the strict integrity and uprightness of his life, was indicted for violation of the bigamy law of 1862. Hearing of his indictment he voluntarily appeared in court, and gave bail in a bond of \$2,500. Upon this indictment he was tried and convicted, being sentenced to one year's imprisonment and to pay a fine of \$500.

An appeal was taken to the supreme court of the territory and the case was dismissed on the ground that the grand jury which found the indictment was an illegal body. This was one of the voluntary cases referred to above by United States District Attorney Bates, in which the defendant was a willing party in order to have the case tested in the supreme court of the United States.<sup>24</sup>

#### THE SECOND TRIAL ON THE REYNOLDS CASE

The dismissal of the Reynolds case by the territorial supreme court took place on June 19th, 1875. On the 30th October of the same year, Mr. Reynolds was a second time indicted, and tried before the third district court, found guilty and sentenced to two *years' imprisonment at hard labor*,—

23. "We learn from Colonel Bates that he now proposes to indict, and has declared his purpose and ability to do it, three or four leading Mormons under the only law in existence for punishing the so-called crime of 'polygamy,' the statute of 1862, according to law. This he will do with the approval of President Grant, through a jury composed of equal numbers of Mormons and anti-Mormons, and with the unanimous consent of the offenders, that they may demonstrate their perfect willingness to abide the decision of the highest judicial tribunals upon their civil and religious rights and liberties." (*Omaha Herald*. Copied into *Salt Lake Daily Herald* of June 19th, 1872. See also statement of Mr. Bates in chapter cxliii this *History*).

24. This is evident from the voluntary appearance of the defendant in court on hearing that he was indicted (*Deseret News*, weekly, of Oct. 28th, 1874), and all the circumstances of the trial, in which nearly all the witnesses were from Mr. Reynolds' family and high church officials and willing to testify. (*Deseret News*, weekly, of April 7th, 1875, where court proceedings are published, pp. 145 and 152).

and to pay a fine of \$500. In this second trial, for some unknown cause (unless it be assigned to the increasing intensity of the anti-"Mormon" spirit—both in Utah and throughout the United States), the prosecution grew vindictive towards Mr. Reynolds, as indicated in doubling the term of imprisonment and adding to the sentence "*hard labor.*" The nature of the trial throughout also indicates a different relationship of the prosecution and defense.<sup>25</sup> One incident of difference is the fact that in the first trial the plural wife, Amelia Jane Schofield Reynolds, testified to her marriage with George Reynolds, and completed the prosecution's chain of evidence; in the second trial she avoided service of subpoena, and her testimony at the first trial was taken over into the record of the second by the testimony of officers of the court. Mr. Baskin in his *Reminiscences* (pp. 61-72) very vehemently denies the statement of Whitney in the latter's *History of Utah*, as to the existence of an understanding that the Reynolds case was merely a test case to ascertain the constitutionality of the law of 1862, Mr. Baskin saying that:

"If such an agreement had been entered into, and Reynolds in pursuance thereof, as alleged, had furnished the evidence upon which he was convicted, his heavy sentence was a glaring outrage. \* \* \* If any such 'arrangement' had been made, for Mr. Carey [the district attorney prosecuting the case], or myself (if I had, as alleged, been his assistant in the trial), to have remained silent and failed to interpose an objection to the sentence, would have been dishonorable in the extreme."

Both writers fail to note the different status that existed between the first and second trial of Mr. Reynolds. Undoubtedly Mr. Reynolds was a willing subject under the first trial to test the constitutionality of the law; and equally certain is it that in the second trial he was no such willing subject, and fought the case as hard as the circumstances would admit of, because of the evidently changed attitude of the prosecution.

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25. See Record of the Trial published in *Deseret News*, weekly, of Dec. 15th, 1875.

## THE DECISION OF THE SUPREME COURT ON THE ANTI-POLYGAMY LAW OF 1862

An appeal was taken to the supreme court of the territory which affirmed the decision of the lower court, July 6th, 1876. The case was then appealed to the supreme court of the United States which rendered a decision on January 6th, 1879, sustaining the constitutionality of the congressional law of 1862.<sup>26</sup>

A review of the case or any adequate discussion of the questions involved may not be indulged here. Let it be sufficient to say that the supreme court held that it was "within the legitimate scope of the power of every civil government to determine whether polygamy or monogamy shall be the law of social life under its domain;" that the statute under consideration was "within the legislative power of congress." This, of course, asserted the right of congress to legislate for the territories; and, from the nature of this 1862 legislation, to legislate for them in all cases whatsoever. This is nowhere expressly granted or fairly implied in the Constitution of the United States; and when not so expressly granted or fairly implied, then constitutionally non-existent; and clearly the action of congress and of the supreme court was violative of the community right of local self-government.<sup>27</sup>

The legislative powers of congress admitted, as claimed by the court, of course, "the only question which remains is, whether those who make polygamy a part of their religion are excepted from the operation of the statute. If they are, then those who do not make polygamy a part of their religious belief may be found guilty and punished, while those who do must be acquitted and go free. This would be introducing a new element into criminal law. Laws are made

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26. The decision is published in *98 United States Reports*, 145.

27. See the elaborate argument of Judge Jeremiah S. Black, attorney-general in President Buchanan's administration, in his argument before the judiciary committee of the house of representatives Feb. 1st, 1883. It was conceded at the time of its delivery to be a masterpiece of forensic literature.

for the government of actions, and, while they cannot interfere with mere religious belief and opinions, 'they may with practices.' "

The statement is "smart" rather than profound; for it takes no account of the difference in the nature of things in themselves. The court's reasoning would lead to the denial of the right of belief in and the free exercise (practice) of religion in this respect, because some would practice it without having in their consciousness the existence of a religious principle or conviction; therefore those who would practice it from religious motives, as their religion, must be denied the right of doing so; that is, must be denied the free exercise of the constitutionally guaranteed freedom of religion. It is beside the question to assume, as we must believe the court did assume, that the legislation they were confirming as right and constitutional was aimed at common "bigamy" with its deceptions and injustice and cruelties and universally condemned by the laws of civilized nations. The error of the court consisted in failing to differentiate between the "bigamy" of what we may call the "common law bigamy," and the religious plural marriage system of the Latter-day Saint Church. That differentiation is necessary to the clearness that will make it appear how one may reasonably be regarded as religion and the other worthily classed as a crime.<sup>28</sup>

#### THE COURT'S ILLUSTRATIONS

The illustrations by which the court sustained its reasonings were "trite" and "shop worn" through excessive use by Colfax, Newman, *et al*, long before they were dignified by being made the phraseology of the supreme court of the United States. Following is a sample of these illustrations:

"Suppose one religiously believed that human sacrifices were a necessary part of religious worship, would it be seriously contended that the civil government under which he lived could not interfere to prevent

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28. See treatise on this head in this *History*, chapter xlv, where the distinction is set forth at some length, and treated with becoming emphasis.



a sacrifice? Or, if a wife religiously believed it was her duty to burn herself upon the funeral pile of her dead husband, would it be beyond the power of the civil government to prevent her carrying her belief into practice? \* \* \* To permit this, would be to make the professed doctrines of religious belief superior to the law of the land, and, in effect, to permit every citizen to become a law unto himself."

The weakness of the argument of the court consists in the comparison of things that are altogether dissimilar. What had plural marriage of the Latter-day Saints in common with the sacrifice of human life or the suttee of India? Mr. John Taylor, when Vice President Colfax ten years before had presented the same line of reasoning as here followed by the supreme court, met the argument in the following pointed manner:

"The burning of Hindoo widows was considered a religious rite by the Hindoos. The British were horrified at the practice, and suppressed it. The Mormons believe polygamy to be a religious rite. The American nation consider it a scandal and that they ought to put it down. \* \* \* The British suppressed the suttee in India, and therefore we must be equally moral and suppress polygamy in the United States. Hold! not so fast; let us state facts as they are and remove the dust. *The British suppressed the suttee, but tolerated eighty-three millions of polygamists in India. The suppression of the suttee and that of polygamy are two very different things.* If the British are indeed to be our exemplars, congress had better wait until polygamy is suppressed in India. But it is absurd to compare the suttee to polygamy; one is murder and the destruction of life, the other is national economy and the increase and perpetuation of life. *Suttee ranks truly with infanticide, both of which are destructive of human life. Polygamy is salvation compared with either, and tends even more than monogamy to increase and perpetuate the human race.*"<sup>29</sup>

The supreme court, however, if it did not have the greater force of logic in the case, it did have the strength of national authority back of it, supported by the sentiment and prejudice of the country, and its *decision announced the*

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29. *The Mormon Question*, Taylor-Colfax Discussion, p. 23. George Q. Cannon wrote an elaborate review of the decision of the supreme court in the Reynolds case, 1879; in which he said, speaking of the decision as a whole: "I venture to say that no constitutional lawyer—and in fact no layman who has given the questions involved in this case any consideration whatever—who takes pride in the reputation of the court, can help having a feeling of regret in reading the decision. It is superficial, careless and immature. It reads more like the plea of an advocate than the well-considered, thoroughly weighed and ripe decision of great judges upon an important and long agitated constitutional question."

*law of the land, until that law is changed; and subsequently, as will be seen in its proper place, after legally testing every possible phase arising out of the controversy, in the courts, the Church of the Latter-day Saints submitted to the court's decision as the law of the land.*<sup>30</sup>

#### A SECOND APOSTOLIC MISSION TO PALESTINE

The purely religious movements of this period in the church as related to foreign activities, was the mission of Elder George A. Smith, second counselor to President Young, and a party of prominent Latter-day Saints, to Palestine.<sup>31</sup> The purpose of the mission is stated in the letter of appointment to President George A. Smith, signed by President Brigham Young and Daniel H. Wells.

"As you are about to start on an extensive tour through Europe and Asia Minor, where you will doubtless be brought in contact with men of position and influence in society, we desire that you observe closely what openings now exist, or where they may be effected, for the introduction of the gospel into the various countries you shall visit.

When you get to the land of Palestine, we wish you to dedicate and consecrate that land to the Lord, that it may be blessed with fruitfulness, preparatory to the return of the Jews, in fulfilment of prophecy and the accomplishment of the purposes of our heavenly Father."<sup>32</sup>

This, it will be remembered, was the second apostolic mission to the Holy Land for the same purpose, i. e. dedication of the land preparatory to the return of the Jews, the first being that of Elder Orson Hyde, of the apostles' quorum—1840-41.<sup>33</sup>

Without difficulty the party arrived safely in Palestine in

30. See the *Woodruff Manifesto* of 1890, in which it is said: "In as much as laws have been enacted by congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention to submit to those laws, and to use my influence with the members of the church over which I preside to have them do likewise." [Signed] "Wilford Woodruff, President of the Church of Jesus Christ of Latter-day Saints." (*Deseret News*, weekly, of October 4th, 1890; also *Doctrine and Covenants*, "Official Declaration," following sec. cxxxvi, current edition, 1930).

31. The party consisted of Elder George A. Smith of the council of the first presidency, Elders Lorenzo Snow and Albert Carrington of the council of the twelve apostles, Elders Feramor Little, Paul A. Schettler, Thomas W. Jennings, Eliza R. Snow, and Miss Clara A. Little.

32. Copy of the letter dated at Salt Lake City 15th Oct., 1872, will be found in *Autobiography of Lorenzo Snow*, 1884, Supplement, p. 496.

33. See this *History*, chapter xlii.

the following March, and on the second of that month on the Mount of Olives held solemn worship and dedicatory services.<sup>34</sup> *En route* eastward President Smith and some members of his party had an interview with M. Thiers, president of France. The mission returned to Salt Lake City in June, 1873.

In connection with this far eastern mission may also be mentioned the missionary visit of the veteran apostle of the church, Elder Erastus Snow, to England and Scandinavia. In these countries it will be remembered Elder Snow founded a successful mission in 1850.

#### A MISSION OPENED IN MEXICO

In the latter part of this period a mission was opened in the Republic of Mexico. The elders constituting it were called at the general conference of the church, October, 1875. These were Daniel Jones, Anthony W. Ivins, Ammon M. Tenny, James Z. Stewart, Helaman Pratt, Robert H. Smith and Wiley C. Jones.<sup>35</sup> Later there was added to this mission Meliton G. Trejo, of whom more later. The mission crossed the Rio Grande at El Paso, Texas, to Ciudad Juarez, Mexico, and there began their labors on the 7th of January, 1876. Three months later the mission extended its activities to the city of Chihuahua, the capital of the state of Chihuahua. Select passages from the *Book of Mormon* relating to the promises and blessings of God yet to be realized by the native races of America, translated by Elder Trejo into the Spanish language were distributed among the people;<sup>36</sup> a very successful public meeting was held in Chihuahua—five hundred in

34. *Millennial Star*, vol. xxxv, p. 201. The journey of the party extended to all points of interest in the Holy Land. After leaving Jerusalem on the 5th of March, "they journeyed northward, visiting the ancient sites of Shiloh, Shechem (now Nablous), Samaria, Nazareth, Cana, Tiberias, by the sea of Galilee, Bethsaida, Capernaum, Dan and Cesarea Philippi, at the foot of Mount Hermon, and arrived in Damascus, Syria, March 15th. From that city the journey was continued over the mountains of Lebanon to Beyrout, where they embarked on a steamer for Constantinople, Turkey, arriving there April 1st." (*Millennial Star*, vol. xxxv, p. 232).

35. See excerpt of a letter from James Z. Stewart, under date of 9th Jan., in *Deseret News*, weekly, of Jan. 26th, 1876, p. 825.

36. These fragments were called "*Trozos Selectos*," and about five hundred copies were sent to the prominent men in the principal cities of Mexico.

attendance—besides many private interviews had with the people and city and state officials. The mission returned to the United States in April of the same year. The following year Elders Louis Garff and Meliton G. Trejo opened a mission in Sonora, Mexico, and baptized five persons in Hermosillo, the capital of Sonora; and in May of the same year, Elders Helaman Pratt and George Ferry commenced a mission among the Yaquis Indians of Sonora, but not much progress could be made with these very warlike people.<sup>37</sup> Later, *viz.*, in 1879, a mission under the direction of Moses Thatcher was begun in the City of Mexico, which led to a somewhat extensive work being opened in that region of the country and the settlement of "Mormon" colonies from Utah in the northern part of the Mexican republic,<sup>38</sup> the events of which, however, belong to a later period of this *History*.

#### COLONIZATION IN ARIZONA

In 1873 a colonization movement was undertaken for the establishment of settlements along the Little Colorado river in northern Arizona. The first company in this enterprise, led by Horton D. Haight, one of the veteran plains captains of an earlier period, failed to find any suitable country for planting a settlement and returned to Utah the same year.<sup>39</sup>

Two years later, namely in February, 1876, a second

37. See Jenson's *Chronology Introduction* for the year 1877, also under date of May 30th, same year.

38. See biography of Moses Thatcher in *Latter-day Saints Biographical Encyclopedia*, Jenson, pp. 127-136.

39. The company went by way of Kanab, southern Utah; thence to the Colorado river which they crossed at Lee's Ferry, near the mouth of Paria (the orthography sometimes given is Pahreah) a small stream from the northwest. From Lee's Ferry they bore southeasterly to Mohave Springs, thence down the Mohave or Moencopie Wash to the Little Colorado. At this point an exploring party was formed and leaving the main encampment, went up to the Little Colorado from sixty to eighty miles. One hundred and twenty miles in all was traveled by the party, and it was absent from the main encampment eight days; but finding no country suited for settlement returned to the main encampment and thence to Utah. (See letter of Henry Holmes to F. D. Richards for these movements, *Millennial Star*, vol. xxxv, pp. 532-5). While encamped on the Little Colorado the expedition sent two men back to Kanab to report from that point by telegraph to Brigham Young, and ask instructions; they could get no reply; and after their return to the main encampment the decision was made by the expedition to return to Utah.



colonization company was organized under the leadership of Major Lot Smith, of "Echo Canon War" fame. This company followed the same general direction of the colony of two years before, but by extending their explorations further up the Little Colorado than the first party went, they found a region of country suitable for settlement, mainly between what is now the railroad station of Winslow and Holbrook, on the Santa Fe line of railroad. The settlements then formed afterwards constituted the Little Colorado stake of Zion; they were Brigham City, formerly Ballinger; Sunset, St. Joseph, and Taylor, the last on Silver Creek, a tributary of the Little Colorado.

## CHAPTER CXLV

### MISCELLANEOUS EVENTS 1872-77: DEVELOPMENT OF AUXILIARY ORGANIZATIONS—THE “UNITED ORDER”—ADVENT OF SECTARIAN MISSIONS

TO the period now under consideration belongs the marked development of the auxiliary organizations of the church, the formation of the Young Men's Associations. Long before this Sunday Schools had been established. The first by Elder Richard Ballantyne, on Sunday, 9th of December, 1849, in Salt Lake City. The children of some of the leading families of the church attended this school. During the first year the school numbered about fifty members. This led to the establishment of other Sunday Schools, though for some years the work was carried on by individual efforts of those who felt a personal interest in the children of the church.

#### THE SUNDAY SCHOOL MOVEMENT

In 1866 George Q. Cannon became intensely interested in the Sunday School work, his observations and experiences while on foreign missions had impressed him with the importance of rearing the youth of the church in a firm belief in the faith of their fathers. The Sunday School presented the most efficient means of accomplishing this purpose, and to that organization he began devoting his attention. On the 1st of January, 1866, the first number of the *Juvenile Instructor* was issued, a magazine designed to educate the rising generation of the Latter-day Saints, and to give support to the Sunday School movement.

#### THE JUVENILE INSTRUCTOR—ORGAN OF THE SUNDAY SCHOOLS

Too much in praise of this magazine cannot be said. It is worthy of the following notice of it by Mr. Edward W. Tullidge in his *History of Salt Lake City*:

"The special design of this magazine was to educate the rising generation of the 'Mormon' people, and to secure select readings for the homes, adapted to both parents and children. In this special mission, the *Juvenile Instructor* has been a power in every city and hamlet throughout Utah. Its class of literature for variety, instruction and entertainment, and also in the quality of its subjects, entitles the *Juvenile Instructor* to a first rank among church magazines. In many respects it resembles the once famous 'Cassell's Paper,' started in London nearly forty years ago, for the purpose of educating the English homes, and whose mission was of a semi-religious order. The volumes of the *Juvenile Instructor* are not only copiously illustrated with wood cuts to accompany their subjects, but it frequently publishes original music from Utah composers. Indeed, though others of our home magazines have appeared with a few sheets of music type-setting, to the *Juvenile* office belongs the honor of sustaining a semi-musical magazine."<sup>1</sup>

The *Juvenile* still continues to fulfil its high duty of instructing the children of the Latter-day Saints, and maintaining the interests of the superb institution of which it is the organ—the Sunday Schools of the Church of the Latter-day Saints. It is still profusely illustrated though it has long since abandoned the "wood cut" method of illustration.

In the 15th of April number of the *Juvenile*, 1866, a letter written by Wm. H. Sherman, appeared, urging the organization of a Sunday School Union, to give organic uniformity to this movement and greater efficiency that could only come from such a central body. At the following October conference of the church some attention was given to Sunday School work and the necessity of a central organization to direct its course. On November the 4th, such an organization was effected, of which George Q. Cannon was chosen president, Edward L. Sloan was chosen secretary, and George Goddard and Robert L. Campbell, corresponding secretaries. A committee of three was chosen to decide upon suitable books for Sunday School libraries. This organization for several years bore the name of the "Parent Sunday School Union." In 1872 the central organization took the name by which it has ever since been known—"The Deseret Sunday School Union." That year it increased its efficiency by more

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1. *History of Salt Lake City*, Tullidge, Appendix, p. 11.

frequent meetings and greater earnestness on the part of its officers and members. The Union held its first great celebration on the 24th of July, 1874—Utah's Pioneer Day—in Salt Lake City, at which there were present between eight and ten thousand teachers and children enthusiastic in the work. Thenceforward the Sunday School work under the direction of the Deseret Sunday School Union, has proven itself to be one of the mightiest moral and spiritual forces in the Church of the Latter-day Saints.<sup>2</sup>

#### THE Y. M. M. I. ASSOCIATIONS

For some time previous to the 10th day of June, 1875, which marks the formal beginning of the organization of the Young Men's Mutual Improvement Associations, there had existed "literary societies," "debating clubs," "young men's clubs," etc., in the church; but these, while indicating a general desire for literary, social, and, in some instances, spiritual advancement, they were but the outgrowth of individual efforts in widely separated settlements and without any unity of purpose or similarity of organic structure. Such were the general conditions among the young men respecting such matters, when about the first of June, 1875, President Brigham Young called to him Elder Junius F. Wells, son of his second counselor, Daniel H. Wells, a youth then but twenty years of age, recently returned from a mission in England, and informed him that it was his desire that the young men of Israel should be organized into associations for self, and mutual, improvement.<sup>3</sup> As the keynote of the movement,

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2. For a complete history of this movement see *Jubilee History of the Latter-day Saint Sunday Schools*, 545 pages, 1900, published by the Deseret Sunday School Union.

3. The quick evolution of the name of the association in the mind of President Young at the first interview with Elder Wells upon this subject is interesting. "The question came up as to what the association should be called, and as nearly as I can recall his words they were as follows: 'We want to organize the young men into an association—an improvement association—a mutual improvement association—*Young Men's Mutual Improvement Association*—there's your name.' That is how we came by our name." (Remarks of Junius F. Wells at the Y. M. M. I. A. Conference, 10th of June, 1805).



the following was given to Elder Junius F. Wells, and those associated with him, by President Young:

"We want you to organize yourselves into associations for mutual improvement. Let the keynote of your work be the establishment in the youth of individual testimony of the truth and magnitude of the great latter-day work; the development of the gifts within them, that have been bestowed upon them by the laying on of hands of the servants of God; cultivating a knowledge and an application of the eternal principles of the great science of life."

And later, in a letter of instructions, dated Nov. 6th, 1875, the following:

"It is our desire that these institutions should flourish, that our young men may grow in the comprehension of, and faith in, the holy principles of the gospel of eternal salvation, and furthermore, have an opportunity to, and be encouraged in, bearing testimony to, and speaking of, the truths of our holy religion. Let the consideration of these truths and principles be the ground work and leading idea of every such association; and on this foundation of faith in God's great latter-day work let their members build all true knowledge by which they may be useful in the establishment of his kingdom. Each member will find that happiness in this world mainly depends on the work he does, and the way in which he does it. It now becomes the duty of these institutions to aid the holy priesthood in instructing the youth of Israel in all things commendable and worthy of the acceptance of saints of the Most High God."<sup>4</sup>

The first association was formed in the thirteenth ward chapel, Salt Lake City, on the 10th day of June, 1875. H. A. Woolley was chosen president; B. Morris Young and Heber J. Grant, (the latter to become, and now is—1930—president of the church) counselors; Hiram H. Goddard, secretary. Thence the organization spread to many other wards and settlements throughout Utah, until by November 8th, 1876, after a little more than a year of effort, one hundred associations had been organized with a membership of over two thousand. In December following, in the "Old Council House," at Salt Lake City, a "central committee" was organized, consisting of Junius F. Wells, president; Milton H. Hardy, and Rodney C. Badger, counselors; John Nicholson.

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4. The Past of Mutual Improvement, Anderson, *Improvement Era*, Nov., 1897.

R. W. Young and George F. Gibbs, secretaries, and Mathoni W. Pratt, treasurer. This organization continued until the 6th of April, 1880, when the work had reached such development that it was thought necessary to give it closer association with the general authorities of the church and the veteran apostle Wilford Woodruff was accordingly made the superintendent of the organization, and Joseph F. Smith and Moses Thatcher, both of the council of the twelve, became his counselors. Junius F. Wells, Dr. Milton H. Hardy, Rodney C. Badger were sustained as assistants to the superintendency; Heber J. Grant was made secretary and Wm. S. Burton, treasurer.

Variously modified in structure and developing purpose, the organization still continues [ 1930 ], and is in a most flourishing condition; and with very few exceptions forms part of every ward and branch organization in the stakes of Zion, and in the missions of the church.<sup>5</sup>

#### THE CONTRIBUTOR

This organization gave birth to a young men's magazine—its organ—known as *The Contributor*. Junius F. Wells was its founder, and became also its first editor, as well as publisher. It ran through seventeen years of existence; and as a representative of the thought of the young men of the church, and affording them as its name suggests—an opportunity for literary expression, it was highly successful. It bore upon its title page and sometimes upon its cover that inspired and inspiring slogan—

*"The Glory of God is Intelligence."*

*The Contributor* fulfilled also the suggested objective named by President John Taylor. When the matter of publishing such a magazine was presented to him he said:

"What you young people want is a magazine that will

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5. · A history of the rise and progress of this movement will be found in the *Improvement Era* of November, 1897, by E. H. Anderson under the caption "The Past of Mutual Improvement." In addition to continuing the central thought-purpose of the organization—intellectual, moral, social and spiritual development, the movement has of late taken on physical culture by means of directed athletics, and boy scouting, and also vocational guidance and industrial placement.

make a book to be bound and kept, with something in it worth keeping."<sup>6</sup>

*The Contributor* lapsed as a publication in September, 1896, and was succeeded by the *Improvement Era*, but not until 1897. It fell heir to the mission of *The Contributor* and has carried on in that field until now (1930).

#### THE Y. L. M. I. ASSOCIATIONS

The Young Ladies' Mutual Improvement Associations, which are designed to afford similar opportunity of self-culture to the young women of the church as the young men's associations afford the young men, may claim priority in organization. That movement began by a meeting held at the "Lion House" residence of Brigham Young, on the 28th of November, 1869.

Brigham Young had long felt the need of what he called "retrenchment" among the young women in Zion, meaning by that the surrender of extravagance in dress, speech and general deportment, and the cultivation of habits of order, thrift, industry and charity. This retrenchment movement was started on the above date among the members of President Young's own family. For some time the movement went by the name of the "Cooperative Retrenchment Association." The president of the first association organized was Ella Young Empey, a married daughter of President Young. She had six of her sisters as counselors.<sup>7</sup> The movement was not long confined, however, to President Young's family. Within the year 1870, there were branches of the organization in nearly every ward in Salt Lake City, and the work had extended to Ogden and Logan in the north, and to Provo in the south. Finally, as the Young Men's Improvement Associations developed, it was easy to see that the "Retrenchment

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6. *Contributor*, vol. i, No. 1.

7. These were Emily Y. Clawson, Zina Y. Williams, Maria Y. Dougal, Caroline Young, Phoebe Young, Dora L. Young.

Associations'' of the young ladies had in hand a strikingly parallel work with that of the young men's associations, and soon began in their organization to conform to the same general outlines, as they did also in name—Young Ladies' Mutual Improvement Association. A general superintendent in 1880 was chosen, in the person of sister Elmina S. Taylor, who selected for her counselors Mrs. Margaret Taylor, and Miss Martha Horne. Miss Louie Wells was chosen secretary, and Mrs. Fannie Young Thatcher, treasurer. The development and achievements of this organization have paralleled among the young women what has been accomplished by the Young Men's Association among the young men of the church.<sup>8</sup>

#### THE YOUNG WOMAN'S JOURNAL

This association also published an organ, known as *The Young Woman's Journal*. It was designed to fill the same office for the young women of the church what the *Contributor* and *Improvement Era* did for the young men, and it did that, being a most excellent magazine, largely of local and original matter. A feeling, however, that it was desirable to cut down in numbers magazines in the church, occupying practically the same field, these two magazines in 1929 were consolidated into one monthly publication under the title *The New Improvement Era*, the first number of the conjoint magazine made its appearance in November, 1929.

#### THE "UNITED ORDER" MOVEMENT

In addition to these developments in the auxiliary organizations a reform movement occurred in the church itself, inaugurated by President Brigham Young. This in the winter of 1874. It was in the nature of a recurrence to the principle of consecration and stewardship referred to in earlier chapters of this history.<sup>9</sup> A movement that would lead the Saints

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8. For an account of the rise and progress of this movement among the young women of the Church of the Latter-day Saints, see *History of the Y. L. M. I. A.*, by Susa Young Gates, 488 pages, 1911, *Deseret News* print.

9. See this *History*, chapter xx, xxi.



through a complete consecration of their earthly possessions, to a closer union in moral purpose and spiritual union. That the purpose of uniting the people in their material interests was to secure a higher spiritual union among the people is manifest in the remarks of President Young when introducing the subject for the consideration of the 44th annual conference of the church. He said:

"And when the question is asked—'whose is this?'—the earnings and savings of this community, organized to sustain and promote the kingdom of God on the earth, the answer will be—'It is ours, and we are the Lord's, and all that we have belongs to him.' He has placed this in our possession for our improvement and to see what we will do with it, and whether we will devote ourselves, our time, talents and means for the salvation of the human family."

Elder Erastus Snow's characterization of it was:

"The great principle involved in the 'United Order' was 'each one for the whole, and God for all.' Among other good things it was 'a mutual educational society for the industrious, frugal and well-behaved. \* \* \* It was for the strong to sustain the weak'."<sup>10</sup>

At St. George the following rules for the conduct of those who entered into this movement known as the "United Order of Zion" were drawn up and accepted by the meeting; and afterwards became generally adopted wherever the "Order" was organized.<sup>11</sup>

#### RULES THAT SHOULD BE OBSERVED BY MEMBERS OF THE "UNITED ORDER"

"We will not take the name of the Deity in vain, nor speak lightly of his character or of sacred things.

We will pray with our families morning and evening and also attend to secret prayer.

We will observe and keep the Word of Wisdom according to the spirit and the meaning thereof.

We will treat our families with due kindness and affection, and set before them an example worthy of imitation. In our families and intercourse with all persons, we will refrain from being contentious or quarrelsome, and we will cease to speak evil of each other, and will cultivate

10. Minutes of the Annual Conference of the Church, 1874, published in *Millennial Star*, vol. xxxvi, Nos. 22, 23, 24.

11. Winter of 1874. See Note end this chapter.

a spirit of charity towards all. We consider it our duty to keep from acting selfishly or from covetous motives, and will seek the interest of each other and the salvation of all mankind.

We will observe the Sabbath day to keep it holy, in accordance with the revelations.

That which is committed to our care, we will not appropriate to our own use.

That which we borrow we will return according to promise, and that which we find we will not appropriate to our own use, but seek to return it to its proper owner.

We will, as soon as possible, cancel all individual indebtedness contracted prior to our uniting with the order, and, when once fully identified with said order, will contract no debts contrary to the wishes of the board of directors.

We will patronize our brethren who are in the 'Order.'

In our apparel and deportment we will not pattern after nor encourage foolish and extravagant fashions, and cease to import or buy from abroad any article which can be reasonably dispensed with, or which can be produced by combination of home labor. We will foster and encourage the producing and manufacturing of all articles needful for our consumption as fast as our circumstances will permit.

We will be simple in our dress and manner of living, using proper economy and prudence in the management of all intrusted to our care.

We will combine our labor for mutual benefit, sustain with our faith, prayers, and words those whom we have elected to take the management of the different departments of the 'Order,' and be subject to them in their official capacity, refraining from a spirit of fault-finding.

We will honestly and diligently labor and devote ourselves and all we have to the 'Order' and to the building up of the Kingdom of God."

President Young began this movement in St. George<sup>11</sup> and other settlements of the Rio Virgin valley, and continued to preach it on his return journey to Salt Lake City. The annual conference of the church for 1874, which convened on the sixth of April, after one session, adjourned until the 7th of May. This in order to afford President Young, then *en route* from the south, an opportunity to attend the conference. The conference when convened in May devoted considerable attention to the "United Order." A general organization was effected in which the first presidency of the church were sustained as president and vice president; the twelve apostles, as assistant vice presidents; David McKenzie was made secretary, with five assistant secretaries, and a general

bookkeeper; George A. Smith, who had been appointed trustee-in-trust for the church, was elected treasurer; and besides these officers there was elected a board of directors, from among the most prominent business men in the church.<sup>12</sup>

The development of this movement was not uniform. In some places it took on the form of strict community life, holding property in common, and in some instances the community living as one family, as in Sunset, one of the recently established Arizona settlements; at Orderville, in Long Valley, Kane county; Kingston, in Piute county, and a few other places.<sup>13</sup> But quite generally the movement took on a less pronounced communistic character, of which the Sevier stake of Zion, presided over by Joseph A. Young, oldest son of President Brigham Young, is the best example of record. As explained by Joseph A. Young the organization operated as follows:

#### THE "UNITED ORDER" IN SEVIER STAKE

"A year ago last April eight settlements of the county were organized into that system ['United Order'] and about two-thirds of the people have since been steadily working in it. The qualification for membership is not that of the amount of property possessed by the individual, but that of standing in the church and general good conduct, and no one is admitted except those who put all they have into the association, which is organized under the laws of the territory. In the admission of persons to membership the question of capacity to render valuable service to the association is not considered, the gospel theory and practice of 'the strong aiding the weak' is recognized and carried out, that the whole community may rise together.

In Richfield, the leading settlement, 135 families work in the 'Order.' The capital of the organization is under the control of the board of directors, who are elected by the members, each person having credit according to the amount of property or means that he has placed therein.

Most kinds of work is done by contract, based on cash prices, and

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12. These were Horace S. Eldredge, John Sharp, Feramor Little, Moses Thatcher, John Van Cott, James P. Freeze, Henry Dinwoodey, Thomas Taylor, and Elijah F. Sheets.

13. For a description of the "family," or community life at Orderville, see letter of D. B. Fackrell, secretary of the "U. O." at that place, date of July, 1875, this after sixteen months experience. (*Deseret News*, weekly, of July 28th, 1875, p. 410. See also *Sinners and Saints*, Phil Robinson, for description of community life efforts at Kingston and Orderville, chapters xvii and xviii).

the surplus credits accruing from a man's labor, over what he draws for the sustenance of himself and family, are placed to his credit on capital stock. Occasionally, when a member wants a house built, and has not quite enough credit or stock to pay for it, the 'Order' builds it for him, and in course of a short time his credits increase and he pays for it, thus making the system one of the best mutual benefit associations in existence.

Besides the general stock concern the people have 'stewardships' which are separate, and which include their homes, city lots, domestic animals, etc., which by industry and tact, they put to good use in procuring extras with their products, the substantials being furnished from the main source of supply.

The 'Order' in Richfield now owns a gristmill, which cost between \$10,000 and \$11,000, and also a steam saw, lath, and shingle mill, at which about thirty men are employed. The horse herd of the association includes about 200 head of animals, the cattle herd 800, and the sheep herd 1,700, and a tannery belonging to the county.

About half a dozen shoemakers are at work in the 'Order,' and carpenters, masons, and tenders to the number of about twenty, besides forty-five that are farming something over 1,100 acres of land, and a few men are at work making furniture, besides other branches of business that are in operation.

A few of the older men stay around home and attend to the heavier labors in that department, such as wood hauling, attending to water ditches, plowing, etc., so that everybody has something to do.

Some difficulty was met with the first year but the organization and its operations being based upon benign gospel principles and a well defined business system, obstacles are fast disappearing, and a feeling of brotherly kindness is increasing."<sup>14</sup>

Later, in order to make more solemnly impressive this movement, it was attended by renewal of covenants in baptism, which was begun by President Young and his counselors, at Ephraim, San Pete county, on the 17th of July, 1875, an example afterwards quite generally followed by the church.

Two things, however, yea, three, contributed to arrest the development of the "United Order" movement; first, the increasing complexity of life in Utah—larger contact with modern-world life by the influx of a constantly increasing non-"Mormon" population; second, the fact that the movement as projected would divide the church into two classes in its membership, those who did, and those who did not, belong to the "Order"—for refusal to enter into the "United Order"

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14. *Deseret News*, weekly, of Aug. 4th, 1875, p. 417.



was not to be a matter of fellowship in the church; and, of course, that meant division in the membership as stated above—a thing very undesirable;<sup>15</sup> third, the increasing years of President Young, and his steadily failing health, which made it impossible for him to bring to this great task the old-time strength—mental and physical—of former years. And so, for these reasons, the “United Order” movement first languished and then quietly subsided into desuetude; since then, no further effort of the kind has been attempted.

It cannot be matter of surprise that the faith of all the members was not equal to the sacrifice of their earthly possessions to an adventure of this description, for “sacrifice” it indeed was, as is attested by the deed of gift to the “Order” authorities, when the act of consecration was affected. The following is a sample deed:

THE DEED OF GIFT

“*Be it known by these presents*, that I, Jesse W. Fox, of Great Salt Lake City, in the county of Great Salt Lake, and territory of Utah, for and in consideration of the sum of one hundred (\$100) dollars and the good will which I have to the Church of Jesus Christ of Latter-day Saints, give and convey unto Brigham Young, trustee-in-trust for the said church, his successor in office and assigns, all my claims to and ownership of the following-described property, to wit:

|                                                  |         |
|--------------------------------------------------|---------|
| One house and lot .....                          | \$1,000 |
| One city lot .....                               | 100     |
| East half of lot I, block 12.....                | 50      |
| Lot I, block 14 .....                            | 75      |
| Two cows, \$50; two calves \$15.....             | 65      |
| One mare, \$100; one colt, \$50.....             | 150     |
| One watch, \$20; one clock, \$12.....            | 32      |
| Clothing, \$300; beds and bedding, \$125.....    | 425     |
| One stove, \$20; household furniture, \$210..... | 230     |

|             |         |
|-------------|---------|
| Total ..... | \$2,127 |
|-------------|---------|

together with all the rights, privileges, and appurtenances thereunto belonging or appertaining. I also covenant and agree that I am the lawful claimant and owner of said property, and will warrant and forever defend the same unto the said trustee-in-trust, his successor in office and assigns, against the claims of my heirs, assigns, or any person whomsoever.”

15. See Minutes of 44th Annual Conference, Salt Lake City, *Millennial Star*, vol. xxxvi, Nos. 22, 23, 24.

Then follows the attestation of the witness, and the formal certificate of the judge of the probate court that "the signer of the above transfer, personally known to me, appeared the second day of April, 1875, and acknowledged that he, of his own choice, executed the foregoing transfer."

Then followed the signature.

#### THE COMING OF SECTARIAN CHURCHES TO UTAH— THE CONGREGATIONAL CHURCH

To this period belongs the initiative of efforts to convert "Mormons" from their faith by the coming of the representatives of the old forms of sectarian christianity among the Latter-day Saints. The first to make an attempt of this kind was the Rev. Norman McLeod, who came to Utah with the California volunteers, in 1862; and who, after the volunteers were discharged, remained to act as a missionary for the Congregational church. According to the *Utah Gazetteer* for 1884, where the information relative to the "Churches in Utah," "is furnished from each denomination by the person most prominently identified with the church concerning which the matter is given,"<sup>16</sup> Rev. McLeod was "transferred by the American Home Missionary Society from Denver to Salt Lake, to labor in the cause of the Congregational church."<sup>17</sup> This minister made himself very unpopular in Salt Lake City. In addition to delivering anti-"Mormon"

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16. See the *Utah Gazetteer*, p. 208.

17. A few days later he arrived in the city and opened religious services at once in Daff's Hall, and also at Camp Douglas. Two Sunday Schools were established, and the enrollment of the one, in the city presently showed an attendance of 250. February 14th, a church was organized with 17 members. Before the close of the year a lot had been purchased and an adobe structure (an addition to Independence Hall), 35 by 59 feet, had been erected, at a cost for land and building of \$7,500. Of this sum more than \$2,000 was raised in California by Mr. McLeod. Most of the remainder was raised in Salt Lake. Mr. McLeod labored perseveringly until early in the spring of 1866, when he was called east. The city Sunday School was continued several years, and until absorbed by those of other denominations—which, in the meantime, had opened mission work in Utah. In 1872 Mr. McLeod returned and spent a year in the effort to regather the scattered fragments of the church and Sunday Schools, but he resigned before its accomplishment. Rev. Walter M. Barrows was chosen his successor, and on May 24th, 1874, a church of 24 members was formed. From that day steady growth and prosperity followed. In 1880 self-support was reached, and when Mr. Barrows resigned, June, 1881, the membership was nearly 150. (*Utah Gazetteer*, 1884).

lectures in the Liberal Institute in Salt Lake City, in which he attacked the character of the leading Latter-day Saint Church officials, he sympathetically, if not actually, identified himself with the anti-"Mormon" Utah "ring" from the land-jumping efforts of Dr. J. King Robinson, *et al.*, to the political schemes of Newman, Baskin, Maxwell, *et al.*, during the McKean period; to say nothing of his misrepresentation both east and west of "Mormon" conditions in Utah. He finally departed from the territory, and "Mormonism" bore no scars from wounds of his inflicting.

Of Rev. J. P. Newman's effort in his attack upon polygamy, and his political activity at Washington sufficient has already been said.

#### THE EPISCOPAL CHURCH

On the first of May, 1867, Rev. Daniel S. Tuttle, rector of Zion's church in the town of Morris, Otsego county, N. Y., was ordained a bishop and assigned to the newly created mission diocese of Montana, Idaho, and Utah. He chose as his assistants for the Utah field Revs. George W. Foote and T. W. Haskins, who arrived in Utah, the one on the 3rd, the other on the 4th of May, 1867. The bishop followed them, arriving in Salt Lake on the 2nd of July of the same year. The policy of Bishop Tuttle was in marked contrast to that of some sectarian missionaries who both preceded and followed him. That policy is best outlined in a passage from a letter to Mrs. Tuttle—who was still in the east—under date of July 10th, 1867:

"The Mormons entered this valley just twenty years ago the 24th of this month. They hold marked celebrations of the event every 24th of July. There are, therefore, young men and young women here who have never seen aught of the outside world, who have never witnessed Christian worship of any kind whatever, who have been taught (and from specimens here they may well believe) that all Gentiles are a cheating, blasphemous, licentious set of men. One great duty we have to do, with God's help and blessing, to show these young Mormons by our lives and conversation that we are the pure, just, peaceable, and lov-

ing people that, if we are Christ's true disciples, we ought to be. Meanwhile, be it said, there seems to be less profanity, rowdyism, rampant and noisy wickedness among the young Mormons than among the youth of any other town or city where I've been. Drunkenness is a crime almost unknown among them."<sup>18</sup>

Bishop Tuttle while he remained in the western mission field strictly adhered to the spirit of the policy outlined in the foregoing passage, and won the respect and esteem of both the church leaders and the Latter-day Saints as far as he came in contact with them, for he accorded to them and to their faith both in spoken and written word, what he intended to be fair treatment. The Episcopal church, under his direction and those who followed him, flourished in Utah; and to them may be accorded the honor of pioneering in Utah two things: first, the founding of non-"Mormon" Christian educational institutions; and second, hospitals; St. Mark's Hospital being founded in 1869.<sup>19</sup>

#### THE CATHOLIC CHURCH IN UTAH

The advent of the Catholics into Utah, after the organization of the territory, followed by about one year the coming of the California volunteers in 1862. The first to come was Rev. J. B. Raverdy, from Denver, Colorado. He remained for some time at Camp Douglas, where he found some members of his church among the California volunteers, whose confessions he heard, "and daily offered up the holy sacrifice." At the request of General Connor he blessed the military cemetery where the camp's dead are buried, including those of the Bear River battle. This in May, 1864. In June, 1866, the Rev. Edward Kelly, at the request of Bishop O'Connel, of Sacramento, came to Salt Lake and from among the few Catholics he found in the city he raised a subscription with which he purchased a piece of ground on Second East street, between South Temple and First South street, where after-

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18. *Reminiscences of a Missionary Bishop*, Tuttle, 1906, p. 110.

19. See *Utah Gazetteer*, p. 209, and *The Mountain Empire*, p. 31.



wards a church was erected in 1871, at a cost of \$10,000,<sup>20</sup> the forerunner of the splendid Catholic Cathedral at South Temple and "A" street. "Father Kelly said his first public mass in Salt Lake in the old "Assembly Hall" of the Latter-day Saints, courteously placed at his disposal by the president and elders of the church. After administering to the spiritual demands of the handful of Catholics then in the city, Father Kelly returned to Sacramento."<sup>21</sup>

The next priest to come to Utah was Father James P. Foley, who, in a dilapidated adobe structure on the lot purchased by Father Kelly, celebrated mass and taught the Catholic faith. He was succeeded by the Rev. Patrick Walsh under whose ministry the Church of St. Mary Magdalene was erected and dedicated on Nov. 6th, 1871. Father Walsh remained pastor of St. Mary's until July, 1873, when he was recalled by his archbishop to another charge in California; and in August, 1873, Rev. Lawrence Scanlon came to Salt Lake as missionary rector, "to fall heir to a little brick church, with its wooden cross, and groaning under a mortgage of \$6,000." The missionary rector became the first Catholic bishop of Salt Lake and Utah, and "the little brick church" is succeeded by the magnificent \$600,000 cathedral and "a score of handsome churches scattered over the diocese that in 1873 was the parish of the young priest."<sup>22</sup>

It cannot be said that this Catholic mission was established in Utah to make war on the Church of the Latter-day Saints, and it is but just to say that the representatives of the Catholic church have not joined in those anti-"Mormon" political agitations which menaced the peace of the Latter-day

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20. "Soon after the purchase it was discovered that there was a blemish on the title to the lot. To avoid litigation, the seller and buyer agreed to submit the matter in dispute to the Mormon president, Brigham Young, and stand by his arbitration. The president, after examining the deed and listening patiently to the evidence, decided that Father Kelly was right, and ordered that the title should be quieted, all claim against the ground settled by the seller, and the deed handed over to the priest." (*The Catholic Church in Utah*, by Dean Harris, 1909, p. 282.

21. *Ibid.*, p. 282.

22. Article *Salt Lake Tribune* of June 28th, 1914, *Reminiscences of Bishop Scanlon's Forty-eight Years of Service in the Catholic Priesthood*.

Saints in Utah. "I do not see your name, bishop, on protests and other papers that some of the ministers here are circulating," said a correspondent of the "*Newark* (New Jersey) *News*"—June, 1903—to Bishop Scanlon. "No," replied the bishop, "I never join in anything of that kind. My mission here is not to make war among the Mormon people, or any other people, but rather to be the bearer of the message of peace and good will toward all men. If there is any law to be enforced, I leave that for my government to do."<sup>23</sup>

#### THE PRESBYTERIAN CHURCH

The work of the Presbyterian church in Utah began in 1869, with the rise of the city of Corinne. Beadle in his account of the rise of Corinne says "a church and a school have been successfully established,"<sup>24</sup> but gives no information as to the pastor. Rev. Sheldon Jackson, synodical missionary of the Presbyterian church, however, arrived at Corinne in June, 1869, and began the holding of regular services on the 13th of the same month; and a year later, July 14th, 1870, the first Presbyterian church was organized in Utah.<sup>25</sup> In September, 1871, Rev. Josiah Welch became the first Presbyterian pastor of Salt Lake City. His first meetings were held at the Liberal Institute,<sup>26</sup> but later a church was built on the corner of Second East and Second South streets. The Presbyterian ministry in Utah became the most pronounced in their anti-"Mormon" activities.<sup>27</sup>

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23. The *Newark News* letter is reproduced in Roberts' *Defense of the Faith and the Saints*, vol. i, p. 117.

24. Beadle's *Life in Utah*, etc., p. 510, Reverend Henry Kendall, D. D., secretary of the board of home missions, preached the first sermon by any representative of the Presbyterian church in Salt Lake City. (*The Mountain Empire*, Sloan and Blair, 1904, p. 30).

25. *The Mountain Empire*, p. 30.

26. *Utah Gazetteer*, p. 210, Whitney says in Faust's Hall. (*History of Utah*, vol. ii, p. 317).

27. They extended their work into various parts of the territory, and by 1884 had ministers located at Springville, Payson, and American Fork, in Utah county; Brigham City, Box Elder County; at Hyrum and Logan in Cache county; Manti and Mount Pleasant in San Pete county; and at St. George in Washington county. (*Utah Gazetteer*, p. 210). So far as making inroads upon people of the "Mormon" faith is

## THE METHODIST EPISCOPAL CHURCH

The first preaching of Methodism in Utah was by one Rev. L. Hartsough, who is said to have made a "prospecting tour" from his residence in Laramie, Wyoming, preaching "once or more in Wasatch, Ogden, Corinne, and Salt Lake City." Then came G. M. Pierce, from the Central New York Conference. He came to Salt Lake City May 8th, 1870. About a month later, by appointment from Bishop Ames, he became superintendent of missions for Utah. Rev. Pierce remained in charge of the work in Utah until 1876. The first church edifice was erected at Corinne in 1870. The first church in Salt Lake City was begun in 1870.

In June, 1871, a camp meeting service was held under the auspices of the Methodist Episcopal denomination; the services lasting through eight days. It was the first service of its kind held in Utah. The Latter-day Saints were encouraged by church leaders to attend these services, especially the young.

ATTITUDE OF PRESIDENT YOUNG TOWARDS THIS  
"SECTARIAN CHRISTIAN" MOVEMENT

"President Young, when he heard that it was their intention to bring a big tent here, and hold meetings, advised the Latter-day Saints to go and hear them, and he particularly desired the young people who had never witnessed meetings of this kind or listened to the preaching of this denomination, to attend the meetings. The tent has been crowded every night, and the people have manifested extraordinary forbearance and patience, even when denounced and accused by speakers of sin, and also crimes, of which they knew they were more guiltless than their accusers."<sup>28</sup> In Ogden, on the 3rd of June, 1871, President Young in a discourse said:

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concerned by the Presbyterians or any other of these sectarian missions, their efforts have been practically barren of results. Less than one poor scruple of result to more than a ton of effort is not an exaggerated statement of the proportion of effort to result.

28. *Deseret News*, weekly, editorial, June 21st, 1871.

"If you should have visits here from those professing to be 'Christians,' and they intimate a desire to preach to you, by all means invite them to do so. Accord to every reputable person who may visit you, and who may wish to occupy the stands of your meeting houses to preach to you, the privilege of doing so, no matter whether he be a Catholic, Presbyterian, Congregationalist, Baptist, Free-will Baptist, Methodist, or whatever he may be; and if he wishes to speak to your children let him do so. Of course you have the power to correct whatever false teachings or impressions, if any, your children may hear or receive. I say to parents, place your children, as far as you have an opportunity to do so, in a position or situation to learn everything in the world that is worth learning. \* \* \* Now then, if our brethren of the Presbyterians, Methodists or any others visit here and want to preach to you, certainly, let them preach, and have your children hear them."<sup>29</sup>

Brigham Young knew that "Mormonism" had nothing to fear from contact with the Christian sectarianism of the times.

#### DISAPPOINTING RESULTS

There were some verbal interruptions in some of these meetings, owing to an inclination to doctrinal controversy on the part of some who attended the service; but these instances were few, and were promptly rebuked.<sup>30</sup> The number of converts from the camp meeting effort was doubtless disappointing. It was current report that the ministers expected to add five hundred to their fold. "If they have made a single convert of a Latter-day Saint," said a *Deseret News* editorial at the close of the service, "We have not heard of it."<sup>31</sup> The Methodist Episcopal church more directly perhaps than any of the other churches sent its representatives to Utah to overthrow the "Mormon" church, and most vigorously did they prosecute their mission, but without injurious effects so far as converting any Latter-day Saints to Methodism is concerned.<sup>32</sup>

29. *Ibid.*

30. "There were a few interruptions when speakers did not clear up doctrinal points, which were exceedingly mortifying to the mass of the community; but prompt measures were taken to check them at future meetings, and with such good effect that great stillness prevailed at the last two evening meetings, though we thought one at least of the speakers last night was very abusive. \* \* \* We think these few interruptions were inexcusable; but had the same courtesy been extended by the ministers in charge of the meetings to the Latter-day Saints that they receive from the latter, there would not have been a whisper heard." (*Deseret News*, weekly, of June 21st, 1871, p. 236).

31. *Ibid.*



## THE JEWS

The Jews also came to Utah in this period, and brought with them their religious faith, together with the felt need of giving expression to it in acts of worship. That they were treated kindly by the Latter-day Saints, in the matter of being encouraged to introduce their worship, is evidenced by the fact that in 1871 they were given, free of charge, the use of the City Hall (the "Mormons" then being in complete control of the municipality) for conducting religious services.<sup>32</sup> Later, of course, the Jews founded their synagogue in Salt Lake City, and conducted regular religious service.

Thus all the larger Christian sects, and the old Jewish faith, were established in Utah, as well as the Church of Jesus Christ of Latter-day Saints. They were here to act and react upon each other, to struggle for existence; to exhibit in doctrinal systems that which to each was the supreme truth; and in practice, that which was of highest spiritual and moral value; and each to survive according to that measure of truth that each possessed; for in the final crucible through which all

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32. A very elaborate report of the activities of the Methodist Episcopal church will be found in Tullidge's *Quarterly Magazine*, vol. i, 1880, pp. 244-250. Also article in *Utah Gazetteer*, 1884, pp. 209-10.

33. The following "Card" will attest the correctness of the statement of the text:

## CARD

*"To the Honorable the Mayor and Members of the City Council of the City of Salt Lake.*

Gentlemen:—At a meeting of the members of the temporary congregation of the Israelites of this city, J. W. Joelson, Esq., in the chair, the following resolutions were unanimously adopted and ordered spread upon the minutes:

*Resolved*, that the thanks of the congregation are due, and are hereby expressed, to the honorable the mayor and members of the city council of this city, for the voluntary tender, free of charge, of one of their splendid halls for the observance of our religious services on the holidays just passed.

*Resolved*, that the Israelites of this city will ever gratefully remember the courtesy thus extended to them.

*Resolved*, that the foregoing be published in the *Deseret Evening News*, *Daily Herald* and *Daily Tribune*.

For the congregation,

J. M. JOELSON; President,  
A. LEVY, Former President,  
LEOPOLD ARNSTEIN, Secretary."

Salt Lake City, Sept. 26th, 1871. (*Deseret News*, weekly, of Oct. 4th, 1871).

systems must pass, only those shall survive that have truth in them, and each of these persist and have life and power in proportion to the measure of its truth, and its faithful adherence in practice to that truth. Meantime, by the coming of these different sects and religious faiths to Utah, as set forth in this chapter, there was laid the foundations of that religious cosmopolitanism that may be said to be characteristic of Utah, and, indeed, of the intermountain west, the chief gathering place at present of the Latter-day Saints.

## NOTE

THE LAW OF CONSECRATION AND STEWARDSHIP NEVER ADEQUATELY ESTABLISHED IN THE CHURCH

President John Taylor in a carefully prepared epistle to the presidents of stakes, high councils, bishops and other authorities of the church, under date of May 1, 1882, reviewing the efforts at cooperation in business and other interests, then contemplated by the church, said of efforts at establishing "United Order" (Consecration and Stewardship):

"Cooperation had been talked about considerably from time to time as being a stepping stone to something that would yet be more fully developed among the people of God, namely, the 'United Order'. *We had no example of the 'United Order' in accordance with the word of God on the subject.* Our cooperation was simply an operation to unite us together in our secular affairs, tending to make us one in temporal things as we were one in spiritual things. \* \* \* Our relations with the world and our own imperfections prevent the establishment of this system [i. e. the system of Consecration and Stewardship spoken of at times as the 'United Order'] at the present time, as was stated by Joseph [Smith] in an early day, it cannot yet be carried out. But cooperation and the 'United Order' [recent attempts at it] are a step in the right direction, and are leading our brethren to reflect upon the necessity of union as one of the fundamental principles of success in temporal things as well as in spiritual things."

The epistle is signed separately by President John Taylor as president of the Church of Jesus Christ of Latter-day Saints and then by his counselors in the following form:

[Signed] "John Taylor"

"President of the Church of Jesus Christ of Latter-day Saints."

"We concur in the above.

[Signed] "George Q. Cannon"  
"Joseph F. Smith"

Counselors in the First Presidency."<sup>34</sup>

34. Epistle of John Taylor, pamphlet, pp. 1-11.

## CHAPTER CXLVI

THE CLOSING YEARS OF BRIGHAM YOUNG'S LIFE—KANE—  
DONIPHAN—PRESIDENT U. S. GRANT—DEATH OF THE  
GREAT PIONEER

WE have come now to the last years in the life of Brigham Young. Judged by the vexatious lawsuits projected against him in those days; the schemes for special legislation by the Utah "ring," the judicial crusade led by Judge McKean and his associates—it might be thought that those days would be full of trouble and yield little of the joy of life to the great Pioneer. This would be to judge wrongfully; for it is but truth to say that the closing years of President Young's life were as happy as any of his career. As *Bible* commentators say of Gideon, judge in Israel, highly favored of the Lord by many divinely wrought signs and wonders to convince him that he was called of God to deliver Israel from the Medianites—"We see Gideon in peaceful possession of his well-earned honors, *and surrounded by the dignity of a numerous household.*"<sup>1</sup> So with Brigham Young. And besides, his association with the great body of his people was very considerable, and very pleasant. It became his custom in these years to visit annually the settlements northward during the summer months, preaching to them, directing their colonizing movements and development; and in the winter, to visit the southern settlements for a like purpose, usually spending several months in rest and recreation in the Rio Virgin valley settlements, but chiefly at St. George, where the first temple built in the Rocky Mountains by the Latter-day Saints was now approaching completion.

### PRESIDENT YOUNG AMONG HIS PEOPLE

Salt Lake City might be and was a hot-bed of anti-"Mormon" forces, but the settlements both north and south

1. Smith's *Dictionary of the Bible*, Art. "Gideon," vol. ii, p. 921. The passage which brings forth the comment is as follows: "And Gideon had three score and ten sons of his body begotten: for he had many wives." (*Book of Judges*, ch. viii; 30).

knew little and cared less about them. They were "Mormon" settlements; and but little affected by the strife of political intrigues, and the plots of "judges with a mission." Their people had one devotion—the New Dispensation of the gospel—the building up of Zion. Brigham Young, to them, was God's prophet; they were glad to have him in their midst. Few men have been better loved. They hung upon his words as the very counsel of God to them; their hands were stretched out to him, and their hearts were in them. It would be a dull nature that would not be moved to joy in the midst of such circumstances.

#### CONTACT WITH OLD FRIENDS—GENERAL THOMAS L. KANE'S VISIT

Then renewal of his early friendships came to bless these closing years. In November, 1872, "Colonel," now General, Thomas L. Kane, accompanied by his wife and two sons, came to visit Utah and the great Pioneer. All spent several months of that winter at St. George. General Kane was now a scarred veteran of the Civil War, in which he had seen hard service. At the beginning of the war he tendered his services to the government and organized what is known in the war annals of our country as the "Bucktail Regiment," from among the hunters, trappers and lumbermen of north-west Pennsylvania. The regiment was one of the noted war units from that state. Its leader was several times wounded. At Gettysburg he commanded a brigade. After this battle, suffering from both wounds and sickness, he was obliged to withdraw from active service. For bravery on the field he was brevetted major general, a high honor, doubtless, but scarcely commensurate with his brave service.<sup>2</sup> After the war General Kane had established his home in the mountain

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2. Biographical sketch of Thomas Leiper Kane, by George Q. Cannon in *Juvenile Instructor*, vol. xix, p. 24 *et seq.* There has been much speculation as to whether Colonel Thomas L. Kane was ever really a member of the Latter-day Saint Church or not. The records of the St. George temple disclose the fact that on the 25th of April, 1884, George Q. Cannon, doubtless the closest friend of Colonel Kane after Brigham Young, was baptized for him and also received the endowments for him on the same occasion; so that it seems clear that Colonel Kane was never a member of the church during his lifetime.



district of northern Pennsylvania, McKane county—near a village which was named for him—"Kane." He had built an elegant home in the midst of his estate of several thousand acres, and lived much in the style of a baron of the feudal ages, being held in the highest esteem by the surrounding populace.

During his summer vacation of 1869, President Grant and a party of friends spent some time at the Kane home as the guests of General and Mrs. Kane. General Kane added Senator Don Cameron to the party. The host, knowing the wish of President Grant to rest and be undisturbed, called to his assistance a detachment of his old "Bucktail Retainers," and gave them instructions to allow no one on that part of the estate near the mansion unless they were invited guests, or had special permission. And under these arrangements for his comfort "the president," said the *New York Herald* correspondent of the party, "threw off his usual reserve, and exhibited a vivacity of manner and freedom of conversation which would probably have surprised some people." In addition to the outdoor pleasures of horseback riding over the estate and surrounding mountain and forest country, 2,500 feet above sea level, and the hunting and fishing, the interior of the home was made attractive both by the good taste of its inmates and from the fact of its possessing many curiosities left to General Kane by his brother, Elisha Kent Kane, the arctic explorer. Speaking of the host of the presidential party, in that summer of 1869, the *New York Herald* correspondent said: "He is monarch of all he surveys. He is the soul of refinement, and wields a powerful influence over the people of the neighborhood. It would almost seem that they were the retainers of a baron of 'ye ancient days,' than fellow citizens of a distinguished and enterprising land owner."<sup>3</sup> Such was Thomas L. Kane, heart-friend of Brigham Young, and of the Latter-day Saints.

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3. See the *New York Herald*, quoted in *Deseret News*, weekly, of Sept. 8th, 1869.

The winter spent in St. George by General Kane in the midst of a grateful people, whose interests he had served in the hour of their severest trial, sweetened by personal intercourse with many of the Latter-day Saint Church leaders, must have been especially gratifying to General Kane, and a joy to President Young in what was now the evening of both their lives.

GENERAL ALEXANDER W. DONIPHAN'S VISIT TO UTAH  
AND TO BRIGHAM YOUNG

In May, 1874, another old-time friend visited Utah, and spent some time with President Young. This was no other than General Alexander W. Doniphan, who at the crisis at Far West, in 1838, had doubtless saved the life of the Prophet Joseph Smith through his own insubordination, by refusing to execute the order of General Clark who ordered him to shoot Joseph Smith and six of his associates—all high church officials—in the public square at Far West. General Doniphan not only refused to execute the order but denounced it as cold-blooded murder, and threatened to withdraw his brigade from the state forces if the order was persisted in. He had also rendered some service to the Mormon Battalion at Santa Fe, when the battalion was *en march* to the Pacific coast. General Doniphan, it will be remembered, rendered notable service in the war with Mexico, having become the hero of the battle of Brazito and Sacramento; and with his command had performed one of the most wonderful invading war marches of history.<sup>4</sup> Naturally General Doniphan was a welcome guest in Salt Lake City, and of Brigham Young, since his coming would suggest all the distance that had been traversed, and all the history that had been made, between Far West and Salt Lake City—all the achievements between 1838-1874.<sup>5</sup>

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4. See Senator T. H. Benton's speech at St. Louis in giving welcome to Doniphan's command on its return from Mexico, in July, 1847. (*Doniphan's Expedition*, Hughes, ch. xxii).

5. In 1852 General Doniphan's name had been prominently mentioned in Washington for the position of governor of Utah to succeed Brigham Young, with whom,

THE MEETING IN UTAH OF PRESIDENT GRANT AND  
PRESIDENT YOUNG

Speaking of prominent visitors to Utah, during this period, it should be stated that President U. S. Grant visited Salt Lake City early in October, 1875, and a meeting took place between the president of the Church of the Latter-day Saints, and the president of the United States. President Grant's party arrived at Ogden on the morning of the 3rd of October. He had already been met at the mouth of Echo canon by the governor of the territory (then George B. Emery) and a number of other federal officials, who boarded the presidential train to escort him to the capital. At Ogden a special train from Salt Lake City bearing the city council's committee of welcome, and a large number of prominent citizens—among them President Brigham Young, and many other church authorities—met the presidential party. The city authorities the previous day had telegraphed to President Grant and party, extending to them an invitation to become the guests of the city, but previous to receiving this invitation President Grant had accepted the invitation to be the guest of Governor Emery and other federal officials of the territory. The special train of the city's committee and their friends was attached to the president's train, and *en route* for Salt Lake the city officials were introduced by delegate George Q. Cannon to President Grant and to the members of his party. As Brigham Young was introduced to the president both gentlemen uncovered, and Brigham Young said:

*"President Grant, this is the first time I have ever seen a president of my country."*

President Grant nodded and after a few inquiries and compliments, Brigham Young was introduced to Mrs. Grant and other ladies of the party in the president's car, with whom

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at that time, there was some dissatisfaction owing to the misrepresentations made by the "run-a-way judges" of that period. (See *History of Brigham Young, Ms.*, 1852, p. 32, quoting a letter from Ezra T. Benson, then in the east, which mentions the eastern discussion of Doniphan as a probable successor of Brigham Young as governor of Utah).

half an hour was spent in pleasant conversation, chiefly between Mrs. Grant and Brigham Young.

In Salt Lake City the Sunday School children—the arrival of President Grant's party was on Sunday—were drawn up on each side of South Temple street, from the depot to Temple Square, and they gave the presidential party a hearty but decorous greeting.

"The president and Mrs. Grant and Governor Emery rode in an open *barouche* behind four handsome greys." The president as he passed along the children-lined street waved his hat to them and received back salutations from the crowds. The presidential party was lodged at the Walker House on Main street. In the afternoon of the day of his arrival the president was introduced by Governor Emery to the great crowd which gathered about the hotel; and during the afternoon also he personally received calls from many city, military and territorial officials and other leading citizens. From the hotel there were carriage drives to all points of interest, including the Latter-day Saint tabernacle and the temple, the latter then in course of erection. Camp Douglas was visited, but by special request of the president the cannon salute in honor of his presence was omitted. The following day the party left the city but not before the ladies of Salt Lake had festooned with flowers the president's special car. Prominent among the floral embellishments being the word "WELCOME," neatly executed in flowers. U. S. Grant was the first president of the United States to visit Utah.<sup>6</sup>

#### INCIDENTS PLEASANT AND UNPLEASANT IN PRESIDENT GRANT'S VISIT

In the account of the visit of President Grant to Salt Lake and to Utah it is stated that as President Grant was driven through the lines of Sunday School children, he inquired of Governor Emery whose children they were, and was

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6. An account of President Grant's visit will be found in *Deseret News*, weekly, of Oct. 6th, 1875. and in Tullidge's *History of Salt Lake City*, ch. lxxiii.



answered, "Mormon children." "For several moments the president was silent," says Tullidge, "and then he murmured, in a tone of self-reproach, '*I have been deceived!*' " Tullidge, who tells the incident, gives no authority for this statement; but O. F. Whitney, author of a *History of Utah*, states that the remark was made to Governor Emery, who repeated it to him (Whitney).<sup>7</sup> Tullidge also says that Mrs. Grant attended an organ recital at the tabernacle and was much moved by what she saw and heard, saying to ex-Delegate Hooper, "Oh, I wish I could do something for these good Mormon people." *En route* for the depot on the day of leaving, the presidential party called at the home of William Jennings, and for an hour partook of the hospitality of "Devereux House,"<sup>8</sup> name of the mansion home of the Jennings'.

Unfortunately there was an unpleasant rivalry in the matter of receiving and entertaining the presidential party. Naturally initiative and leadership in the matter belonged to the governor and the federal officers of the territory. But something was due to the city officials and the people; for the president properly was to be the guest of the city as well as of the territory. But this seems to have been ignored by Governor Emery, whose plans took no account of the city authorities, being exclusively "Mormon," and without giving opportunity for cooperation he invited the presidential party to accept the hospitality of the territory through himself and the federal officers, which invitation, reaching the president first, was accepted; and which, of course, made it impossible for him to accept the later-received invitation to become the guest of Salt Lake City. The resolutions passed by the city council for the reception and entertainment of the president's party, as also for a place in the special train chartered to meet the distinguished visitors at Ogden, extended participation in all this to all "the civil and military officers of

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7. *History of Utah*, vol. iii. p. 116, note.

8. Tullidge's *Quarterly Magazine*, July, 1881, pp. 662-3.

the government, the officers of the territory, and the city, and to other citizens."<sup>9</sup>

During these closing years of President Young's life, to relieve himself of some of the burdens of his office, he increased the number of his counselors, by choosing five brethren to stand in that relationship to him, *viz.*, Lorenzo Snow, Brigham Young, Jun., Albert Carrington, John W. Young, and George Q. Cannon. He also resigned to George A. Smith the office of trustee-in-trust of the church—the treasurership of the church; also he resigned as president of the Deseret National Bank, of Salt Lake City, and president of Zion's Co-operative Mercantile Institution.<sup>10</sup> George A. Smith, as trustee-in-trust, was given twelve assistants from among the prominent business men of the church.<sup>11</sup> George A. Smith, however, only lived about two years after his appointment—he died, September 1st, 1875—and at the October conference following, Brigham Young was again sustained as trustee-in-trust."<sup>12</sup> A year later John W. Young, son of President Young, was sustained as the first counselor in the first presidency in place of George A. Smith, demised.

#### COMPLETION OF THE ST. GEORGE TEMPLE

During the years 1875-6 the work on the St. George temple was hastened by calling workmen from the north to engage in its completion. By the first of January, 1877,

9. For resolution of the city council invitations, etc., and story of the visit see *Deseret News*, weekly, of Oct. 6th, and current impressions of *Salt Lake Herald* and *Tribune*.

10. See Minutes of General Conference for April, 1873, published in *Millennial Star*, vol. xxxv, Nos. 18, 19. President Young in choosing five other counselors announced that "He had now two counselors to aid him as president of the church; he had the privilege of having seven brethren to assist him in this capacity." (*Ibid*, p. 290-2. See also signed communication by Brigham Young in *New York Herald* of April 16th, 1873). In a conference assembled in committee of the whole church, Joseph Smith, the Prophet, after being sustained as the president of the church, had his two counselors, Sidney Rigdon and Frederick G. Williams sustained as counselors, after which he also put in nomination Oliver Cowdery, Joseph Smith, Sen., Hyrum Smith, and John Smith, his uncle, to be his counselors. "These last four," say the minutes of the meeting, "together with the first three, are to be considered the heads of the church." The sustaining vote was carried unanimously. (*History of the Church*, Period I, vol. ii, p. 509).

11. Their names will be found in *Millennial Star*, vol. xxxv, p. 292.

12. See Conference Minutes for Oct., 1875, *Millennial Star*, vol. xxxvii, p. 734.

the lower part of the temple was made ready and was dedicated on that date, under the direction of President Young in the presence of about 1,200 people. By April the whole structure was ready for dedication and accordingly the annual conference of the church was appointed to convene at that place, and on the sixth of April the whole structure was dedicated, Daniel H. Wells offering the dedicatory prayer. The presidency of the church and most of the apostles were present, and very many prominent elders and a large number of the Latter-day Saints from the northern settlements were there. After the dedication of this first temple, completed in the Rocky Mountains, by the church, President Young, when returning northward, dedicated the site of the Manti temple—which had been previously chosen<sup>13</sup>—April 25th, President Brigham Young himself offering the dedicatory prayer.<sup>14</sup> Less than a month later, May 17th, he directed the dedication of the site of the Logan temple, the, venerable apostle, Orson Pratt, offering the dedicatory prayer; and John W. Young and Daniel H. Wells breaking the soil for the foundation. President Young delivered a brief address.<sup>15</sup> Thus Brigham Young began the four temples so far erected in Utah, and lived to see the completion, and the dedication of one, the St. George temple.

In the last months of his life President Young was led to set in order the existing stakes of Zion,—usually by effecting a reorganization of them—and also to organize many new stakes.<sup>16</sup>

“He released all of the twelve from presiding over local places,” says Elder George Q. Cannon: “Brother C. C. Rich, Brother Brigham Young, Junior, Brother Lorenzo Snow

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13. *Viz.*, June 25th, 1875. Manti is in San Pete county, over two hundred miles south of Salt Lake City. “The spot known as ‘Manti Stone Quarry’ had been reserved for the purpose. The spot so designated is the termination or point of a hill, which in turn appears as the spur of a low range of hills, marked by the outcrop of a well stratified and evenly bedded deposit of oolite.”

14. See *Millennial Star*, vol. xxxix, No. 24.

15. *House of the Lord*, pp. 216-219, (Talmage).

16. Remarks of Geo. Q. Cannon. *Obsequies of President Brigham Young*, pp. 25-6, also *Deseret News*, weekly, Sept. 5th, 1877.

and Brother Franklin D. Richards, in the north; Brother Orson Hyde and Brother Erastus Snow in the south; all were released from presiding over the stakes of Zion, and were told by the president that their mission had a larger field than a stake of Zion. He set the priesthood in order as it had never been since the first organization of the church upon the earth. He defined the duties of the apostles, he defined the duties of the seventies, he defined the duties of the high priests, the duties of the elders and those of the lesser priesthood, with plainness and distinctness and power—the power of God—in a way that it is left on record in such unmistakable language that no one need err who has the Spirit of God resting down upon him.”

This work of setting in order the stakes of Zion began at the general conference at St. George, and was continued through all the settlements as the leading apostles and elders of the church were returning northward. Twenty stakes in all were thus organized or set in order by President Young's direction during the summer, of which Bear Lake stake was the last, August 25th, 1877.

The stakes thus organized and reorganized were the following: April 7th—St. George stake (organized); April 17th and 18th—Kanab stake; April 23rd—Panguitch stake; May 12th and 13th—Salt Lake Stake; May 21st—Cache stake; May 25th and 26th—Weber stake (reorganized); June 17th—Davis stake; June 24th and 25th—Tooele stake; July 1st—Juab stake (reorganized); July 1st—Morgan stake; July 4th—San Pete stake; July 8th and 9th—Summit stake; July 14th and 15th—Wasatch stake; July 15th—Sevier stake (reorganized); July 21st and 22nd—Millard stake (reorganized); July 25th and 26th—Beaver stake (reorganized); July 29th—Parowan stake; August 19th—Box Elder stake; August 25th and 26th—Bear Lake stake (reorganized).

Box Elder stake was organized on the 19th of August, President Young being in attendance and participating in



the organization. This was to mark the close of his public ministry. He returned to his home in Salt Lake City, and on the 23rd of August was seized with the illness which six days later proved fatal. He died of *cholera morbus* on the afternoon of August 29th, 1877, surrounded by his family and friends.

#### DEATH OF THE GREAT PIONEER A PEACEFUL ENDING

Peaceful indeed was his demise.<sup>17</sup> Among President Young's last words were expressions of his gratitude for being so well cared for and having his family near him—"You are all so good," he said. "The last words he uttered, that were distinctly understood," says the bedside chronicle, were—

"*Joseph, Joseph, Joseph!*"

Other remarks relating to "Joseph" were expressed, but in a manner that was not comprehended. They gave evidence, however, that his mind was occupied with thoughts of his predecessor, the Prophet Joseph Smith.

"His departure was like the falling asleep of a little infant," said George Q. Cannon, who was at his bedside when death came. "No tremor, no contortions; but as peaceful and as quiet, as still as if it were indeed the most gentle slumber."<sup>18</sup>

On the 1st of September the remains were carried to the tabernacle in Temple Square where they were viewed, that day, by about 6,000 people. On the second of September the funeral services were held, but before they began the great concourse of people who had gathered, by teams as well as by trains from the surrounding settlements, were permitted to pass by the bier and look upon their prophet leader. From early morning until half past eleven o'clock a continuous stream of living humanity passed through the tabernacle to view the mortal remains of the man who for thir-

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17. Obituary in *Deseret News*, daily, of Aug. 30th, 1877.

18. *Obsequies of Brigham Young*, pamphlet, pp. 25-26.

ty-three years had led Israel. By actual count 18,000 persons of all classes and ages and degrees visited the tabernacle while the body was lying in state, manifesting the greatest decorum and respect. Several thousand were not counted owing to their taking their seats without passing out of the building where the count was made at the exits by the recording officers. It is estimated that in all 25,000 people thus took their last farewell of the honored dead.

#### PROCESSIONAL HONOR FOR PRESIDENT YOUNG

The funeral services were simple but impressive. The processional honors were the most elaborate and largest attended of any such procession up to this time—1930—held in Salt Lake City.

#### THE PROCESSION

Tenth Ward Band.

Glee Club.

Tabernacle Choir.

Press Reporters.

Salt Lake City Council.

President Young's Employees.

President Joseph Young, Bishop Phineas H. Young, Bishop Lorenzo D. Young and Elder Edward Young. (President Brigham Young's Brothers).

#### THE BODY

Borne by Clerks and Workmen of Deceased, with nine of the Twelve Apostles and the Presiding Bishop as Pall Bearers. Immediately following the body, the Counselors of President Brigham Young.

The Family and Relatives.

Patriarch of the Church.

First Seven Presidents of the Seventies.

Presidency and High Council of Salt Lake Stake of Zion.

Visiting Presidents, their Counselors and the High Councils  
of Various Stakes of Zion.

Bishops and their Counselors.

High Priests

Elders

Lesser Priesthood.

Seventies

The General Public.

Ropes, outside of which dense crowds formed, were stretched along the line of the procession to a point a little east of the Eagle Gate, and all the eminences in view of the route were filled with spectators, many of whom could not refrain from tears. President Young's private cemetery is situated on First Avenue, a short distance north of the Eagle Gate, then eastward half a block. It commanded, when chosen, a splendid view of the city and the valley south and west from which it is now shut in by surrounding buildings. In the southeast corner of this burial ground a stone vault was made under the personal superintendence of his son, John W. Young, and in strict accordance with his departed father's instructions. It is of cut stone, dowelled and bolted with steel. Its dimensions are 7 feet 11 inches long, 4 feet wide, and 3 feet 3 inches high. It is laid in cement, and the inside is cemented and whitened. Here the remains of the revered president of the church are deposited.

#### ESTIMATE OF THE CHARACTER AND WORK OF BRIGHAM YOUNG

A volume would not suffice for a collection of the newspaper and magazine comments upon the life and character of Brigham Young published immediately after his death. He had been a world character for more than thirty years. He was viewed so variously, and did a work so unique, that all the world paused for a moment to say something of this man and his life's achievements. It is astonishing, too, how much of that comment is favorable, and even of high praise both for his achievements and for his character. Others

were bitter in their arraignment of him. Some of their bitterness, as is the case with most bitterness, came of unreasoning prejudice.<sup>19</sup>

To say that Brigham Young had in him limitations, that he erred at times in judgment, or was unsatisfactory in some details of personal bearing or nature, is but to say that Brigham Young was human. But after all is said, that may in truth be said, in the way of detraction; nay, even after malice has had its fling, this must be allowed, and it will be the unchangeable verdict of history:—

Brigham Young by the death of Joseph Smith was called to the leadership of a people sorely distraught, and environed by difficulties that threatened their very existence as a community. To him it was given to quiet their fears, to arouse their faith in their own divine mission and their destiny. He, under God, led them in an exodus from Illinois that, as relating to one people, having a common purpose in view, and that purpose community preservation, has not its parallel in modern history. Twenty thousand of these exiles, but poorly furnished for a journey through a wilderness, he organized into industrial columns, and taught them how to be self-sustaining on a march of thirteen hundred miles, and chiefly through a wilderness. Arriving at their destination, in the midst of the Rocky Mountains, he made treaties with the tribes of red men, and planted colonies from Salmon river in the north (Idaho), to the headwaters of the Little Colorado in southeastern Arizona, and all through the mountain valleys of Utah between these north and south limits, covering an extent of eight hundred miles. He sent forth the message of the New Dispensation of the gospel to many lands, and gathered people from nearly all the nations of the earth to a modern Zion, where he taught them the art of being self-sustaining, until truly the Latter-day Saints, in fulfillment of Joseph Smith's prediction, became a great and

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19. See *Notes on Brigham Young*, end of this chapter.



mighty people—a permanent community, in the midst of the Rocky Mountains.

*These achievements write down Brigham Young in history as the Greatest Pioneer and Colonizer of modern times—an Empire Founder; and place him easily among the first score of great Americans.*

## NOTES

### 1. COMMENTS ON THE PERSONAL APPEARANCE, CHARACTER AND LIFE'S WORK OF BRIGHAM YOUNG

The world's estimate of Brigham Young may well be considered as summarized in the following quotations:

*Bancroft:* Commenting upon the manner in which Brigham Young had moved up into his place as leader of the Church of the Latter-day Saints, after the martyrdom of Joseph Smith, Mr. H. H. Bancroft the Historian remarks:

"Something more than oratory was necessary to win in this instance (i. e. to succeed Joseph Smith in the leadership of the Church of the Latter-day Saints); and of that something, with great joy in his heart, Brigham found himself in possession. It was the combination of qualities which we find present primarily in all great men, in all leaders of men—intellectual force, mental superiority, united with personal magnetism, and physique enough to give weight to will and opinion; for Brigham Young was assuredly a great man, if by greatness we mean one who is superior to others in strength and skill, moral, intellectual, or physical. The secret of this man's power—a power that within a few years made itself felt throughout the world—was this: he was a sincere man, or if an imposter, he was one who first imposed upon himself. He was not a hypocrite; knave, in the ordinary sense of the term, he was not; though he has been a thousand times called both. If he was a bad man, he was still a great man, and the evil that he did was done with honest purpose. He possessed great administrative ability; he was far-seeing, with a keen insight into human nature, and a thorough knowledge of the good and evil qualities of men, of their virtues and frailties. \* \* \*

\* \* \* To whatsoever Brigham applied himself he directed his whole strength, provided his whole strength was necessary to the accomplishment of his purpose. There were others in the field against him, aspirants for the late Prophet's place, besides Sidney [Rigdon]; but directing his efforts only against the most powerful of them, the president of the twelve summoned the quorum and the people, as we have seen, crushed Rigdon and his adherents by one of the master strokes which he was now learning, declared the revelations of Rigdon to be of the devil, and himself elected without a dissenting voice. \* \* \* Henceforth none dared to gainsay his authority; he became not only the leader of the Mormons, but their dictator; holding authority for a time

as president of the twelve apostles, and finally in the capacity of the first presidency, being made president, of the whole church in December, 1847." \* \* \*

*Personal Appearance:* "In stature he was a little above medium height; in frame well-knit and compact, though in later years rotund and portly; in carriage somewhat stately; presence imposing, even at that time, and later much more so; face clean shaven now [1844], but afterward lengthened by full beard except about the mouth; features all good, regular, well formed, sharp, and smiling, and wearing an expression of self-efficiency, bordering on the supercilious, which later in life changed to a look of subdued sagacity which he could not conceal; deep-set, gray eyes, cold, stern, and of uncertain expression, lips thin and compressed, and a forehead broad and massive—his appearance was that of a self-reliant and strong-willed man, of one born to be master of himself and many others. In manner and address he was easy and void of affectation, deliberate in speech, conveying his original and suggestive ideas in apt though homely phrase. When in council he was cool and imperturbable, slow to decide, and in no haste to act; but when the time for action came he worked with an energy that was satisfied only with success."<sup>20</sup>

*Burton, British army captain, and author of City of the Saints:* "Altogether the prophet's appearance [1860] was that of a gentleman farmer in New England—in fact, such as he is: his father was an agriculturist and revolutionary soldier, who settled 'down East.' He is a well preserved man; a fact which some attribute to his habit of sleeping, as the *Citizen Proudhon* so strongly advises, in solitude. His manner is at once affable and impressive, simple and courteous: his want of pretension contrasts favorably with certain pseudo-prophets that I have seen, each and every of whom holds himself to be a 'Logos' without claim save a semi-maniacal self-esteem. He shows no signs of dogmatism, bigotry, or fanaticism, and never once entered—with me at least—upon the subject of religion. He impresses a stranger with a certain sense of power; his followers are, of course, wholly fascinated by his superior strength of brain. It is commonly said there is only one chief in Great Salt Lake City, and that is 'Brigham.' His temper is even and placid; his manner is cold—in fact, like his face, somewhat bloodless; but he is neither morose nor methodistic, and, where occasion requires, he can use all the weapons of ridicule to direful effect, and 'speak a bit of his mind' in a style which no one forgets. He often reproves his erring followers in purposely violent language, making the terrors of a scolding the punishment in lieu of hanging for a stolen horse or cow. His powers of observation are intuitively strong, and his friends declare him to be gifted with an excellent memory and a perfect judgment of character. If he dislikes a stranger at the first interview, he never sees him again. Of his temperance and sobriety there is but one opinion. His life is ascetic: his favorite food is baked potatoes with a little buttermilk, and his drink water; he disapproves, as do all strict Mormons, of spirituous liquors, and never touches anything stronger than a glass of thin lager

20. Bancroft's *History of Utah*, pp. 201-203-204.

beer, moreover, he abstains from tobacco. Mr. Hyde<sup>21</sup> has accused him of habitual intemperance: he is, as his appearance shows, rather disposed to abstinence than to the reverse. Of his education I can not speak: 'men, not books—deeds, not words,' has ever been his motto; he probably has, as Mr. Randolph said of Mr. Johnston, 'a mind uncorrupted by books.' \* \* \* Yet he converses with ease and correctness, has neither snuffle nor pompousness, and speaks as an authority upon certain subjects; such as agriculture and stock-breeding. He assumes no airs of extra sanctimoniousness, and has the plain, simple manners of honesty. His followers deem him an angel of light, his foes a goblin damned: he is, I presume, neither one nor the other. I can not pronounce about his scrupulousness: all the world over, the sincerest religious belief and the practice of devotion are sometimes compatible not only with the most disorderly life, but with the most terrible crimes; for mankind mostly believes that

*'Il est avec le ciel des accommodements.'*

He has been called hypocrite, swindler, forger, murderer. No one looks it less. The best authorities—from those who accuse Mr. Joseph Smith of the most heartless deception, to those who believe that he began as an impostor and ended as a prophet—find in Mr. Brigham Young 'an earnest, obstinate egotistic enthusiasm, fanned by persecution and inflamed by bloodshed.' He is the St. Paul of the New Dispensation: true and sincere, he gave point, and energy, and consistency to the somewhat disjointed, turbulent, and unforeseeing fanaticism of Mr. Joseph Smith; and if he has not been able to create, he has shown himself great in controlling circumstances. Finally, there is a total absence of pretension in his manner, and he has been so long used to power that he cares nothing for its display. The arts by which he rules the heterogeneous mass of conflicting elements are indomitable will, profound secrecy, and uncommon astuteness.

Such is his excellency President Brigham Young, 'painter and glazier'—his earliest craft—prophet, revelator, \* \* \* and seer; the man who is revered as king or kaiser, pope or pontiff never was; who, like the 'Old Man of the Mountain,' by holding up his hand could cause the death of any one within his reach; who, governing as well as reigning, long stood up to fight with the sword of the Lord, and with his few hundred guerrillas, against the then mighty power of the United States; who has outwitted all diplomacy opposed to him; and, finally, who made a treaty of peace with the president of the Great Republic as though he had wielded the combined power of France, Russia, and England."<sup>22</sup>

## 2. EXCERPTS OF REMARKS OF CHURCH LEADERS AT THE FUNERAL SERVICES OF BRIGHAM YOUNG

*Daniel H. Wells:* "I arise with an aching heart, but cannot let pass this opportunity of paying at least a tribute of respect to our de-

21. This was John Hyde, Jun., author of *Mormonism: Its Leaders and Designs*, 1857. Hyde was an apostate "Mormon Elder."

22. Burton's *City of the Saints*, chapter v, pp. 239-240.

parted friend and brother, who has just stepped behind the veil. I can only say, let the silent tear fall that it may give relief to the troubled heart; for we have lost our counselor, our friend, our president; a friend to God, a friend to his saints, a friend to the church and a friend to humanity.

I have no desire or wish to multiply words, feeling that it is rather a time to mourn. Good-by Brother Brigham, until the morning of the resurrection day, when thy spirit and body shall be reunited, and thou shalt inherit immortality, eternal lives and everlasting glory, and thy lifelong companions who will soon follow after, will meet thee in peace and joy.

May God bless the Latter-day Saints, and may the consolations of the holy gospel, the hope of the glorious resurrection and redemption wrought out by our Lord and Savior Jesus Christ, pervade every heart to the consoling thereof, is my prayer in the name of Jesus. Amen."

*Wilford Woodruff:* "I do not suppose there was ever a man breathed the breath of life who, in the short space of forty-five years, has done so much towards the establishment of the government and kingdom of God, as our beloved president [Brigham Young]. His life has been before many of you for several years, and to some from the commencement of his labors in this church. He felt the weight of this dispensation resting upon him; he certainly has been true and faithful unto death, and he is prepared to receive a crown of life. \* \* \* It is said that 'blessings brighten as they take their flight.' I have often felt in listening to the glorious principles of President Young, that the people here heard him so much that they hardly prized the beauty and the extent of the results and virtues of his teachings. \* \* \* He has been true and faithful to the end and therefore all is well with him."

*Erastus Snow:* "President Young needs no monument to perpetuate his name and character more than that which he himself by his own works and virtues has reared in the hearts of his people. And his testimony is such as will be in force to all the world, and his fame, in connection with that of the Prophet Joseph Smith, is known among all nations, kindreds, tongues and people. This latter-day work is not the work of a few years in mortality; our priesthood is everlasting, 'without beginning of days or end of years,' the labors of which reach forward through time into eternity and continue forever. \* \* \* Brother Brigham, having done a great, a glorious work in the flesh, now joins his labors with those of the spirit world and is welcomed back again from this mission of mortality; receives the joyous welcome of the Father and the Son, and the greetings of apostles and prophets, of Joseph and his brethren who have gone before him, all welcoming him back again from earth; he joins with them in the more extensive labors of the priesthood, and the redemption of the hosts of the dead and their preparations for the resurrection day.

It is a great joy and comfort to know that he had the privilege of living to complete one temple and to see it dedicated, and that he superintended the setting in order of the priesthood and the ordinances for



the redemption of the dead, as well as for the exaltation of the living. It was one of the greatest objects of his life, something that he greatly desired to see done before he should pass away. Was he our leader? Yes; in one sense, and that only as we are in the habit of using that term. For thirty-three years, since the death of the Prophet Joseph, he has been our earthly head; and yet he was not our leader, except in the earthly sense; for the Lord wrought in him and through him and by him as our earthly leader."

*George Q. Cannon:* "Naturally he was a man of indomitable courage, of an unyielding will; and he could not submit even to the conqueror Death without struggling against him. This was characteristic of his nature. \* \* \* His value has not been properly estimated by the Latter-day Saints. \* \* \* I have been much with him. I look upon this association as the greatest privilege of my life, to have heard his counsels and to witness his life as I have. And in contemplating that life, it seems to me perfect. In my eyes and to my feelings he was as perfect a man as could be in mortality. He certainly never uttered any counsel or gave any instruction or taught any doctrine which I do not endorse with all my heart. This I believe to be the case with thousands upon thousands of the Latter-day Saints, notwithstanding our laxity in doing the will of God in all things as we should have done. \* \* \* He has been the brain, the eye, the ear, the mouth and hand for the entire people of the Church of Jesus Christ of Latter-day Saints. From the greatest details connected with the organization of this church down to the smallest minutiae connected with the work, he has left upon it the impress of his great mind. From the organizations of the church, and the construction of temples; the building of tabernacles; from the creation of a provisional state government and a territorial government, down to the small matter of directing the shape of these seats upon which we sit this day; upon all these things, as well as upon all the settlements of the territory, the impress of his genius is apparent. Nothing was too small for his mind; nothing was too large. His mind was of that character that it could grasp the greatest subjects, and yet it had the capacity to descend to the minutest details. This was evident in all his counsels and associations with the saints; he had the power, that wonderful faculty which God gave him and with which he was inspired."

*John Taylor:* "Today is a solemn day for Israel. We have before us the body of the man who has led us for the last thirty-three years. Thirty-three years ago I was with and witnessed the departure of our first president Joseph Smith. Both of these presidents had the faith and confidence of the saints of the Most High, and the guidance and direction of the Lord. And the feelings of the people as exhibited here, the gathering together of this priesthood and the saints which I see before me today, is evidence of the respect and kindness that beat in every heart and throb through every pulse; and it is gratifying to know that the same feelings prevail throughout the length and breadth of this territory. As has been said, his name and his fame are known among

all people, and a knowledge of these events has spread to the uttermost bounds of the everlasting hills. All nations have heard of it, and all peoples are interested in these events that are now surrounding us. Not only us and them but the Gods in the eternal worlds. The former president, Joseph Smith, and this our late president, Brigham Young, meet again face to face in the eternal worlds. Both have triumphed, both have overcome. \* \* \* The work we are engaged in is not the work of man. Joseph Smith did not originate it, neither did Brigham Young, nor the twelve nor any mortal man. It emanated from God, he is its author, his eye is over us, he is watching every movement and every transaction that transpires now, and that has transpired ever since the commencement, and will continue so to do. It is he that has been our Grand Leader, these others now departed have been our brethren, appointed to lead and guide us, under his direction, in the paths of life. And although we mourn the loss of our departed friend, a brother and a president, and although the feelings of our hearts sympathize with his family and friends yet at the same time there are principles greater and grander than any personal interest, or any individuality associated with these matters. It is a heavenly interest, the building up of Zion, the establishment of the Kingdom of God and the rolling forth of his purposes upon the earth. And while Brother Joseph and Brother Brigham sleep, yet both of them live, and both of them as they operated in time, will operate in eternity in behalf of the whole of Israel and the consummation of our Father's purposes. These are things in which the Gods are interested; and all the priesthood, and apostles and prophets and men of God that have ever breathed, are also interested with us."<sup>23</sup>

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23. *Obsequies of President Brigham Young*, pamphlet, pp. 18-29, now rare.

## CHAPTER CXLVII

A PERIOD OF APOSTOLIC PRESIDENCY 1877-1880: SETTLEMENT OF  
THE NEW TRUSTEE-IN-TRUST WITH BRIGHAM YOUNG'S ESTATE—  
FOREIGN MISSION WORK OF THE CHURCH

WITH the demise of Brigham Young the twelve apostles again became the presiding quorum of the church as it did at the death of Joseph Smith, the first Prophet and president of the church.<sup>1</sup>

### SENIORITY OF STANDING AMONG THE TWELVE

Elder John Taylor was the president of the quorum of apostles at the demise of President Young not really by virtue of seniority of ordination, but because of seniority of standing by reason of an uninterrupted membership in the quorum since his ordination, which operated in such manner as to make his standing equivalent to seniority of ordination. Both Orson Hyde and Orson Pratt had been ordained into the quorum of the apostles before Elder Taylor;<sup>2</sup> but both had temporarily lost their standing in that quorum; the former in October, 1838, for joining with Thomas B. Marsh in misrepresenting conditions in Far West, Missouri;<sup>3</sup> and the latter for "neglect of duty," in the summer of 1843, and for some misunderstanding had with the Prophet Joseph Smith on the subject of plural marriage. Elder Pratt had been misled respecting that subject by the false statements of the apostate element at Nauvoo.<sup>4</sup> Both these brethren, were re-

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1. The question of succession of presiding councils, and the principle upon which the quorum of the twelve apostles succeeds to the presidency of the church until the first presidency is reestablished is discussed at length in this *History*, chapter lxiv.

2. Elder Orson Hyde was ordained an apostle on the 15th of Feb., 1835; and Orson Pratt on the 26th of April, of the same year. (See *History of the Church*, Period I, vol. ii, chapter xiii). John Taylor was ordained an apostle on the 19th of December, 1838. (*Life of John Taylor*, 1892, p. 64).

3. *History of the Church*, Period I, vol. iii, pp. 167-8 and note.

4. *History of the Church*, Period I, vol. iv, pp. 255-6, also *Millennial Star*, vol. xx, p. 423, cf., letter of Orson Pratt and Joseph F. Smith, *Millennial Star*, vol. xl, Nos. 49-50—1878; and *Succession in the Priesthood*, John Taylor, 1881, pp. 18-20. The Prophet Joseph held, in the passage here cited from the *Star*,

instated in the quorum upon their repentance and reconciliation with their brethren, but when the matter was investigated by the council of the twelve, a few years previous to the death of President Young, it was held that Elders Hyde and Pratt, having once lost their standing in the quorum, when they were restored, it was as the juniors to all "those who remained in the quorum when they left it."<sup>5</sup>

Elder Wilford Woodruff for some years was also regarded as outranking Elder Taylor in the quorum of the twelve, owing to the fact that Elder Woodruff was the older man. This idea that seniority of age determined the rank of standing in the quorum obtained doubtless for the reason that when the quorum was first organized in February, 1835, the members took their place not in the order in which they were ordained, but according to age. Thus Thomas B. Marsh, who was the last but one ordained at that time became the president of the quorum, because he was the oldest man in the group of twelve ordained; and that was held to be proper in the formation of the quorum; but after that the principle of precedence in the quorum was held to rest upon seniority of ordination.<sup>6</sup>

#### THE SETTLEMENT OF JOHN TAYLOR'S STATUS IN THE QUORUM AGREED UPON

The relationship of John Taylor and Wilford Woodruff in the council of the twelve, it will be observed, as well as the relations of Elders Hyde and Pratt to John Taylor, were settled some years before the death of President Brigham Young. The settlement of this relationship among the brethren of the quorum was taken up at the instance of George A. Smith. President Taylor's narrative of it at the priest-

that Elder Pratt "had not been cut off legally" from the quorum of the twelve, as there was not a quorum (i. e. majority) present when his case came before the council. The Prophet rebaptized Orson Pratt, however, and ordained him to his former standing in the quorum of the twelve, (*Ibid.* See also *Succession in the Priesthood*, a discourse, by President John Taylor, Oct. 7th, 1881, pamphlet, p. 19).

5. *Succession in the Priesthood*, Taylor, p. 16.

6. For account of first ordinations into this quorum see chapter xxx, this *History*; also *History of the Church*, Period I, vol. ii, chapter xiii, cf.; Taylor's *Succession in Priesthood*, pamphlet.



hood meeting of the general conference of October, 1881, is as follows:

"Some ten or twelve years ago, Brother George A. Smith drew my attention to this matter [i. e. to the relative positions of Elders Woodruff, Hyde and Pratt to John Taylor in the quorum of apostles], I think it was soon after he was appointed as counselor in the first presidency; and he asked me if I had noticed the impropriety of the arrangement. He stated at the same time that these brethren [Orson Hyde and Orson Pratt] having been dropped from the quorum could not assume the position that they before had in the quorum; *but that all those who remained in the quorum when they had left it must necessarily take the precedence of them in the quorum.* He stated, at the same time, that these questions might become very serious ones, in case of change of circumstances arising from death or otherwise; remarking also, that I stood before them in the quorum. I told him that I was aware of that, and of the correctness of the position assumed by him, and had been for years, but that I did not choose to agitate or bring up a question of that kind. Furthermore, I stated, that, personally, I cared nothing about the matter, and, moreover, I entertained a very high esteem for both the parties named; while, at the same time, I could not help but see, with him, that complications might hereafter arise unless the matter were adjusted. Sometime after, in San Pete, in June, 1875, President Young brought up the subject of seniority, and stated that John Taylor was the man that stood next to him; and that where he was not, John Taylor presided. He also made the statement, that Brother Hyde and Brother Pratt were not in their right positions in the quorum. Upon this statement I assumed the position indicated.

Thus our positions at that time seemed to be fully defined; and what had been spoken of by Elder George A. Smith, without any action of mine, was carried out by President Young; and from that time to the death of President Young I occupied the senior position in the quorum, and occupying that position—which was thoroughly understood by the quorum of the twelve—on the death of President Young, the twelve assumed the presidency, and I was their president, it placed me in the position of president of the church; or, as expressed in our conference meeting: *'As president of the quorum of twelve apostles; as one of the twelve apostles, and of the presidency of the Church of Jesus Christ of Latter-day Saints.'*"<sup>7</sup>

#### ACTIVITIES OF THE CHURCH PROVIDED FOR AND CONTINUED

The obsequies of President Young took place on the 2nd of September, 1877; on the 4th, ten of the twelve apostles—Orson Pratt and Joseph F. Smith being absent on a mission in England—met with the counselors of the late

7. *Succession in the Presidency*, pamphlet, John Taylor, 1881, pp. 16, 17.

president, *viz.*, John W. Young and Daniel H. Wells. At that meeting it was agreed that the twelve apostles should take their place as the presiding quorum of the church, in the absence of a first presidency, and bear off the kingdom as they did at the death of Joseph Smith. It was also voted to sustain John Taylor as the president of the twelve apostles. "John W. Young and Daniel H. Wells voted with us," writes Wilford Woodruff, whose account is here followed, "and they are to stand as counselors to the twelve as they did to President Brigham Young."<sup>8</sup> To facilitate the transaction of business, President John Taylor, assisted by John W. Young, Daniel H. Wells and George Q. Cannon, were sustained as an administrative committee to attend to the business connected with the building of the temples, the public works, and other church affairs of a financial character. Word was sent to the two absent apostles in England to return to the headquarters of the church—Salt Lake City. They arrived on the 27th of September.

On the 10th of September a general epistle was issued to the church "in all the world," informing the saints of these several actions; also justifying the twelve in assuming the functions of the presidency of the church at the demise of the late President Brigham Young, by reference to underlying principles of church government, and principles laid down by the Prophet Joseph Smith. Instructions were given with reference to carrying on the work on the temples in course of construction. Appointments were made for the quarterly conferences of the stakes of Zion—which hereafter were to be held regularly—and admonition was given to faithfulness in respect of all the duties devolving upon Latter-day Saints.<sup>9</sup>

On the 17th of September the corner stones of the Logan temple were laid under the direction of the apostles and

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8. *Journal of Wilford Woodruff*, entry for Sept. 4th, 1877; also *History of Brigham Young, Ms.*, 1877, vol. iii, p. 2903.

9. The epistle was published in *Deseret News*, daily, Sept. 10th, 1877. It will also be found complete in *Millennial Star*, vol. xxxix, pp. 680-4.

participated in by very many other general and local authorities of the church, and many thousands of the people from the northern settlements of Utah and from Idaho. Graceful and loving tribute was paid to the memory of the late President Brigham Young, under whose direction the temple site had been dedicated and the work begun; but confidence in the perpetuation of the great latter-day work of the Lord was the keynote of the occasion, and assurance was given that there was to be no halting in the progress of that work.

PRESS COMMENT—"MORMONISM" MAY SURVIVE THE DEATH OF  
BRIGHAM YOUNG

It is interesting to note here that in many instances, in speaking of this period, the press comment throughout the United States was to the effect that "Mormonism" would doubtless survive notwithstanding the demise of the late Brigham Young. The press had profited by the blunder of the press of a previous generation, which predicted the failure of "Mormonism" with the death of its founder—Under God—always be it remembered—Joseph Smith.

The several acts of the quorum of the twelve apostles—assuming the functions of the presiding quorum of the church, and their several administrative acts—were heartily and unanimously approved by the next general conference of the church—October, 1877—which unanimously sustained the quorum of the twelve as the presiding quorum of the church. This vote was presented to each quorum separately, for which purpose the quorums were grouped individually on the main floor of the great tabernacle, Salt Lake City; and after the several motions had been voted upon by the quorums separately, they were submitted to the quorums and to the body of the people *en mass* and sustained by the congregation and priesthood quorums—numbering over ten thousand—rising to their feet, and indicating their acceptance of what had been done by the solemn uplifting of right hands. The exact formula was:—

"John Taylor as president of the quorum of the twelve apostles, as one of the twelve apostles, and of the presidency of the Church of Jesus Christ of Latter-day Saints.

As members of the quorum of the twelve apostles—John Taylor, Wilford Woodruff, Orson Hyde, Orson Pratt, Charles C. Rich, Lorenzo Snow, Erastus Snow, Franklin D. Richards, George Q. Cannon, Brigham Young, Joseph F. Smith, and Albert Carrington.

Counselors to the twelve apostles—John W. Young and Daniel H. Wells.

The twelve apostles as the presiding quorum and authority of the church, and as prophets, seers, and revelators.

President Taylor made a motion that J. W. Young and Daniel H. Wells be sustained as prophets, seers, and revelators, to act with the twelve as their counselors, in that capacity. The whole congregation sustained the motion."<sup>10</sup>

The order in which the quorums voted was as follows:

"The general authorities of the church were voted for by each quorum of the priesthood rising on their feet, and raising their right hands in the following order: First,—The twelve apostles. Second—the patriarchs, presidents of stakes and their counselors, and the high councils. Third—High Priests. Fourth—Seventies. Fifth—Elders. Sixth—Bishops and counselors. Seventh—Priests, Teachers and Deacons. Eighth—Presidency of all the quorums. Ninth—the entire congregation. Elsewhere the writer has ventured to say: 'Nothing can be more solemn and impressive than the voting of the quorums of the priesthood, when they meet to act as a general assembly of quorums.'"<sup>11</sup>

The council of the twelve apostles continued its presidency of the church a little more than three years, up to the general semi-annual conference of the church held in October, 1880, when the regular council of the first presidency was reorganized, with John Taylor as president, and George Q. Cannon and Joseph F. Smith as his first and second counselors respectively.

#### THE CHURCH UNDER THE PRESIDENCY OF THE TWELVE— SETTLEMENT OF BRIGHAM YOUNG'S ESTATE

During the three years' presidency of the council of the twelve the affairs of the church quite generally were prosperous. Some difficulty arose, however, in the matter of settling the estate of the late President Brigham Young. Some claims

10. Conference Minutes of October, 1877, *Millennial Star*, vol. xxxix, p. 725. *et seq.*

11. *Life of John Taylor*, pp. 339-40.



were made by a number of the late president's heirs respecting the possession of property that President Young held for the church as trustee-in-trust. It was alleged by them that President Young died seized of an estate valued at two and a half millions of dollars. This, however, was denied by his executors, and also by President John Taylor, who affirmed *per contra* that the property to which Brigham Young held the legal right or title was not worth over \$1,626,000; and further they affirmed, that much of said estate was held by the testator in trust for the Church of Jesus Christ of Latter-day Saints, and that Brigham Young was largely indebted at the time of his death "and justly owed to said church over \$1,000,000." President John Taylor, who succeeded Brigham Young as trustee-in-trust for the church, and the administrators of President Young's estate, Messrs. George Q. Cannon, Brigham Young, Jun., and Albert Carrington, grouped the property of the estate into three classes as follows:

*First.* A class of property known to belong to said church, and which he [Brigham Young] held and recognized as its property.

*Second.* A class of property which he held and claimed as belonging to himself individually, and disconnected from the church and in which it had no interest.

*Third.* A class of property which once belonged to the church but the legal title to which he had afterward acquired, such property was therefore regarded as uncertain."<sup>12</sup>

"In the settlement of the liabilities of the estate to the church," declares President Taylor, in a court document, "and in separating its property from his [President Young's] individual property, this dubious and uncertain class of property was all given to his estate as part and parcel thereof, and such only was claimed as church property about which there was no doubt or uncertainty."<sup>13</sup> In addition to this, according to the statement of the administrators, a credit of \$300,000 was secured by them from the trustee-in-trust to the estate of the late president for his services to the church.

12. Answer of John Taylor in suit of Brigham Young's Heirs per Attorneys Richards, Williams *et al*, *Deseret News*, weekly, of July 2nd, 1879.

13. *Ibid.*

Notwithstanding these advantageous concessions to the estate the dissatisfied heirs entered suit against the administrators of the estate and also against President Taylor.<sup>14</sup> The former they charged with having "grossly neglected and violated their duties," and also had "wilfully wasted and converted a large portion of President Young's estate to the amount of \$1,200,000; the \$200,000 it was charged they had appropriated to their own use as compensation for their services as administrators, and other expenses of administration, and the one million dollars they had allowed to fraudulent claims against the estate made by the trustee-in-trust of the 'Mormon' church." They also included in their suit against the administrators complaints against President John Taylor *et al* as receiving certain portions of property that had been conveyed to them from the estate in trust for the church. An injunction was prayed for against the executors, restraining them from further performance of their duties; and against the trustee-in-trust of the church forbidding him to dispose of any of the property assigned to him; and also praying for the appointment of receivers to whom the administrators and the trustee-in-trust of the church would be required to deliver up all moneys, property and assets under their control until the final hearing; and for a reasonable allowance from the funds of the estate to pay the expenses of the suit brought by these dissatisfied heirs. It was asked further that, as a final judgment, "all the transfers and conveyances made by the administrators be declared illegal and void; that the property be returned to the estate, and that the executors be required to render an account of their administration, to make good all they have wasted or illegally disposed of, and that a trustee or trustees be appointed in the place of the

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14. There were but seven out of the large number of President Young's heirs who entered into this litigation, and in justice to those who would not become parties to it, the names of these seven are given: Elizabeth Y. Ellsworth, Vilate Y. Decker, Louisa W. Y. Ferguson, Dora Young, Ernest I. Young, Marinda H. Y. Conrad, Emmeline A. Young. (From signatures on settlement, published in *Deseret News*, weekly, of Oct. 8th, 1879).

executors to settle and distribute said estate to the beneficiaries thereof.”<sup>15</sup>

#### ILLEGAL PROCEEDINGS OF THE COURTS

Judge Emerson, in whose court the above questions were considered—third district court—granted the application for an injunction and the appointment of receivers. W. S. McCornick, a prominent banker of Salt Lake City, and Mr. Shaughnessy, United States marshal, at the time, were appointed the receivers.<sup>16</sup> Some properties which had been turned over to the trustee-in-trust by the administrators of the Brigham Young estate—which transfers had been made under the sanctions of the probate court having jurisdiction at the time the receivers were appointed—had been disposed of by the trustees to other parties, so that the said properties were beyond the control of both the administrators and the trustee-in-trust, and consequently when these properties were demanded by the receivers the trustee-in-trust and the administrators were required to do that which it was impossible for them to do. The receivers, however, charged that the trustee-in-trust and the executors were in contempt of court, and Judge Emerson issued process against the several parties, but on examination held that the defendants had violated no mandate of the court and therefore were not in contempt. Later, Judge Jacob S. Boreman, a very bitter anti-“Mormon,” temporarily occupying the bench of the third judicial district, the charge of contempt was a second time made against the trustee-in-trust and the executors with the result that Judge Boreman found them in contempt of the orders of the court, and “therefore it was ordered and adjudged” that the executors “be committed to prison until they complied with the orders of the court;” and that “John Taylor be committed to prison until he complied with the same order.”<sup>17</sup>

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15. See *Deseret News* for summary of the legal document, weekly, impression of June 18th, 1879.

16. *Ibid.*

17. Judge Boreman's decision published in full in *Deseret News*, weekly, of Aug. 6th, 1879.

It was finally arranged, however, in the case of President John Taylor that he give a bond with satisfactory securities covering the amount required to be turned over to the receivers instead of the property itself. The amount of the bond was \$200,000. With this the plaintiffs in open court expressed their satisfaction and the court ordered his discharge from the sentence of contempt. A similar settlement could have been made in the case of the executors, but they preferred to endure imprisonment rather than to give additional bonds to those they were already under for the faithful performance of their duties as exectuors of the estate. Their bonds as executors amounted to \$300,000; and the additional bond required to secure them from imprisonment for the alleged contempt was \$150,000 more. "We felt," wrote George Q. Cannon, "that this attempt to get additional bonds was nothing more or less than a plot to levy blackmail; and therefore we preferred to submit to imprisonment for contempt rather than to lend ourselves to the scheme by asking our friends to give bonds for us."<sup>18</sup> The imprisonment of the executors extended from August the 4th to the 28th of the same month when they were released from detention, the decision of Judge Boreman in committing them to prison being reversed by the supreme court of the territory—"reversed for want of jurisdiction," was the decision of the supreme court, Judge Boreman dissenting.

"It was at this juncture," Mr. Cannon adds, following the quotation in the text, "that I received the following message from General Thomas L. Kane: '*I will be your bail for \$150,000 if your court will accept me*'."

The announcement of the decision of the court, in "general terms," as explained by Chief Justice Hunter, to be followed by a more complete summary later, is a severe condemnation of the evidently prejudiced course of Judge Boreman. That he had grossly departed from uniform court procedure in adjudging the executors and President John Taylor

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18. Cannon's Topics of the Times, in *Juvenile Instructor*, vol. xix, p. 23.



guilty of contempt of court is evidenced from the following passage in the decision:

"Uniformity of opinion of what is the law, strengthens the arms of justice, and enables those who have its administration in hand to act with promptness and reasonable certainty, and when the quality of uniformity is found, it would perhaps be doing a wrong at this late day to make a new departure. The power of the court to punish for an alleged contempt, though undoubted, is in its nature, arbitrary, and its exercise is not to be upheld except under the circumstances and in the manner prescribed by law. It is essential to the validity of proceedings in contempt, subjecting a party to fine and imprisonment, that they show a case in point of jurisdiction within the provisions of the law by which such proceedings are authorized, for mere presumption and intendments are not to be indulged in their support."<sup>19</sup>

This is really a declaration that Judge Boreman had acted on mere presumptions and outside of his jurisdiction. "In other words," as the *News* commented at the time, "that through his haste and ignorance and extra judicial proceeding, the executors have suffered false imprisonment, they never were in contempt of court, and therefore their punishment was illegal as well as unjust."<sup>20</sup>

#### SETTLEMENT BY MUTUAL AGREEMENT

A counter suit was instituted against the executors and heirs of the late Brigham Young by the trustee-in-trust of the Church of the Latter-day Saints. This on the 7th of August, 1879. Hearing on a motion to dismiss the case was postponed until the 2nd of September, or as soon thereafter as the court could hear the arguments.<sup>21</sup> The case was accordingly presented to the court in the early days of September, and on the 4th Judge Hunter took it under advisement.<sup>22</sup> The case was dismissed October 4th, at plaintiff's

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19. *Deseret News*, weekly, of Aug. 13th, 1879, where the decision complete will be found.

20. Cannon's Topics of the Times, *Juvenile Instructor*, vol. xix, p. 23.

21. See *Deseret News*, weekly, for Aug. 13, 1879, where the Court Record of entrance of the suit, and of the court's orders for a stay of proceedings, etc., will be found.

22. Court Record in *Deseret News*, weekly, of Sept. 10th.

cost,<sup>23</sup> without coming to judgment of the court on account of the whole case coming to a settlement by mutual agreement of all the litigants; the decree of the court making the settlement being entered on the same day as the dismissal of the church suit against the executors. By the terms of the compromise settlement of the whole suit, the litigant heirs received the sum of \$75,000; and agreed to withdraw all charges and claims on which the suit was planted. By this decree the executors of the estate were exonerated from charges preferred against them. The statement rests upon the following passage found in the Decree of the Court signed by Chief Justice John A. Hunter:

"It is considered, adjudged and decreed that the aforesaid accounts of said executors, and the matters and things therein contained, be, and the same are hereby ratified and confirmed as to all the parties, and that the allegations of the complaint of waste, conversion and misappropriation of the property and assets of said estate of the testator, Brigham Young, deceased, are not sustained in any respect. That all the actings and doings of said executors, or any of them in the administration of said estate as executors or trustees, as shown by said accounts, be, and the same are hereby ratified, and confirmed, and all the issues in this action are found and adjudged in favor of the defendants, George Q. Cannon, Albert Carrington and Brigham Young, executors as aforesaid; John Taylor, John Sharp, Edward Hunter, Horace S. Eldredge, George Goddard, Leonard W. Hardy, Theodore McKean, Joseph C. Kingsbury and Angus M. Cannon.

That the deeds of conveyance and transfer of property, real and personal, by said executors to John Taylor, trustee-in-trust for the Church of Jesus Christ of Latter-day Saints, whether as of property held by said testator in trust for said church, or in liquidation of an account presented by said John Taylor, trustee-in-trust for said church against the estate of said testator for nine hundred and ninety-nine thousand six hundred and thirty-two (\$999,632) dollars, approved by said executors and the probate judge of Salt Lake county, Utah territory, April 10th, 1878, less three hundred thousand dollars credit for the services of said testator to said church, be, and the same are hereby ratified and confirmed."<sup>24</sup>

The receivers were discharged, returning to the parties previously holding the same, all the property taken posses-

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23. *Ibid*, Oct. 8th; p. 569.

24. *Deseret News*, weekly, of Oct. 8th, 1879.

sion of by them. President John Taylor was discharged from his bond, and all further action was barred against the parties defendant in the suit. All the other heirs to the estate of the late President Brigham Young appeared with the executors and the trustee-in-trust as defendants, and both plaintiffs and defendants, by mutual consent agreed to this permanent settlement of the whole litigation.<sup>25</sup>

This suit was a very vexatious affair, founded on no just claims, and evidently began by agitators who hoped to profit by the litigation. On the part of the other heirs, the trustee-in-trust, and the executors, the \$75,000 granted to the dissatisfied heirs was allowed in the interest of the estate, since the cost of the litigation threatened to far exceed that sum if the case was continued in the courts; and also the compromise was made in the interests of the peace of the large number of heirs, and all other parties immediately concerned, and of the public, which was agitated by these suits and counter suits; and naturally so, since the whole Latter-day Saint community had an interest in the church properties that would be affected by the decisions and orders of the court.

After the decree of the court for the settlement was entered, President Taylor presented the settlement before the general semi-annual conference of the church which began its sessions two days after the decree was made, "and the settlement was endorsed by a unanimous vote."<sup>26</sup>

#### FORWARD MOVEMENT IN THE MISSIONS

The work in the foreign missions was vigorously prosecuted during the three years of the apostolic presidency. Elder William Budge succeeded Joseph F. Smith, of the council of the apostles, in the presidency of the European Mission; and he was ably assisted by such elders as Henry W. Naisbitt and John Nicholson, in the publishing department; Charles W. Nibley in the business office, and an ex-

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25. *Deseret News* of Oct. 8th, 1879. The Decree is there given in full.

26. See Minutes of Conference in *Deseret News*, weekly, of Oct. 15th, 1879.

ceptionally strong corps of elders from Utah in the various conferences of the British Isles, in the Scandinavian and other European missions. In this period—1878—the *Book of Mormon* was translated into, and published in the Swedish language, at Copenhagen. The translation was the work of August W. Carlson.<sup>27</sup> During the three years of the apostles' presidency of the church 5,194 persons emigrated from the European missions for Utah.

IMPORTANT HISTORICAL MISSION ORSON PRATT AND JOSEPH F.  
SMITH

Elders Orson Pratt and Joseph F. Smith of the council of the apostles' quorum were appointed to a mission in the eastern states. In the itinerary of their journey eastward they visited many of the old locations where the church made history in the early years of its existence, including Independence, Jackson county, Missouri, the place of the future City of Zion upon the western hemisphere, the building of which, in contemplation, filled so large a place in the aspirations of the saints in the early years of the New Dispensation.

Elder Orson Pratt was among the elders who had visited this place in 1831, having traveled on foot from Kirtland, Ohio, in company with his brother Parley P. Pratt, preaching *en route* as they found opportunity. He was then but twenty years of age, now, he was 67 years old. A great change had come to that section of the country. The "Temple Lot" which the Prophet Joseph had dedicated in 1831 was covered with timber, now scarcely a tree or a stump was standing, and time and again the place had been war-swept during the war between the states.<sup>28</sup> Some years before the visit of Elders Pratt and Smith a Mr. William Eaton had purchased a homestead south of the temple site, and on a portion of the original temple grounds, as purchased by Bishop Edward Partridge (which was said to have been 53

27. See *Millennial Star*, vol. xl, p. 596, where the work of Elder Carlson is warmly praised. The first edition was 3000.

28. See *Autobiography of Parley P. Pratt*, ch. x. Also Pratt-Smith Report in *Millennial Star*, vol. xl, Nos. 49, 50, where the Report is given *in extenso*.



acres). For this homestead Mr. Eaton paid \$18, including a neat frame cottage. He also purchased one or two lots covering the temple site for which he paid \$500. These lots he had deeded to the trustee-in-trust of the "Reorganized Church." Mr. John Scott, of Plano, Ill., informed the visiting brethren that the Whitmers held the tax titles to these lots. Mr. Eaton had married the widow of John E. Page; Page at one time was a member of the council of the twelve apostles. Elders Pratt and Smith paid Mrs. Eaton a visit and were kindly received. Also they visited Wm. E. McLellin, a member of the council of the twelve when that quorum was first organized in 1835, but long since separated from the church, though still professing faith in the *Book of Mormon* and some of the principles of the gospel. In all there were about 70 families gathered in and about Independence who were members of the "Reorganized Church," and who were "waiting" for the redemption of Zion.

#### THE PRATT-SMITH INTERVIEW WITH DAVID WHITMER

Elders Pratt and Smith also visited Richmond where they had a long interview with David Whitmer, one of the three witnesses to the *Book of Mormon*. He and Orson Pratt, of course, were well acquainted. The now aged witness (73 years old) repeated in great detail the circumstances attending upon his viewing the plates from which the *Book of Mormon* was written; of the visitation and appearance of the Angel Moroni to the witnesses, when showing to them the plates. Elders Pratt and Smith examined the printer's copy of the *Book of Mormon* manuscript, made from the original manuscript by Oliver Cowdery, and which printer's copy Cowdery had left in the keeping of David Whitmer at the time of his death at Richmond, twenty-eight years before. Inquiries concerning the safekeeping of the manuscript were carefully made and Mr. Whitmer was sounded with reference to his willingness to part with it and have

it deposited in the archives of the church for safekeeping. This suggestion he declined to consider.

PRATT-SMITH-WHITMER INTERVIEW ON THE BOOK OF MORMON  
MANUSCRIPTS

*Joseph F. Smith*: "What will be done with them (i. e. the *Mss.*), at your death?" [Throughout the conversation the printer's manuscript is spoken of as being plural, it is left unchanged].

*David Whitmer*: "I will leave them to my nephew, David Whitmer, son of my brother, Jacob, and my namesake."

*Orson Pratt*: "Would you not part with them to a purchaser?"

*David Whitmer*: "No. Oliver charged me to keep them, and Joseph said my father's house should keep the records. I consider these things sacred, and would not part with nor barter them for money."

*Joseph F. Smith*: "We would not offer you money in the light of bartering for the *Mss.*, but we would like to see them preserved in some manner where they would be safe from casualties and from the caprices of men, in some institution that will not die as man does."

"That is all right," said Mr. Whitmer, but he did not change his determination not to part with the *Mss.*; but related the circumstances of its preservation during a cyclone which wrecked his house a year before, and of being preserved in a trunk even from being discolored when all things else in the trunk turned mouldy while the family were camping in a tent following the cyclone.

Mr. Whitmer was under the impression that the *Ms.* he had was the one written by Oliver Cowdery from the dictation of Joseph Smith, as he translated it from the plates and therefore the original English *Ms.* In this, of course, he was mistaken; as already set forth in this *History* (Ch. xiii), a special copy was made for the printer by Oliver Cowdery from

the original *Ms.*, and this printer's copy was the one that Oliver Cowdery left with David Whitmer, and which he held in almost superstitious regard. Elder Joseph F. Smith on the occasion of the visit referred to in the text above, while examining the *Ms.* found the names of the eleven witnesses—the three and the eight—were written in the hand writing of Oliver Cowdery. "When the question was asked Mr. Whitmer," writes Joseph F. Smith, "if he and the other witnesses did, or did not sign the testimonies themselves, Mr. Whitmer replied, '*each signed his own name.*' '*Then where are the original signatures?*' 'I don't know, I suppose Oliver copied them, but this I know is an exact copy.'" Someone suggested that he, being the last one left of the eleven witnesses, ought to certify to this copy. Lawyer D. Whitmer (Jacob's son) suggested that he had better reflect about it first and be very cautious.

Joseph F. Smith suggested that perhaps there were *two* manuscripts, but Mr. Whitmer replied that, according to the best of his knowledge, there never was but the one copy. "Herein of course he is evidently uninformed."<sup>29</sup>

Far West, Caldwell county, Missouri, was also visited by the brethren. This was the birthplace of Elder Smith. Here had resided for many years, and up to the time of his death,—July, 1878—John Whitmer, formerly the historian of the church. The visiting brethren called at his home but were ungraciously received by his son, Jacob Whitmer, and his daughter, who had married a Mr. Johnson. Elder Pratt made some inquiries about the history John Whitmer had kept in the early days of the church—1831-1838; and which in the spring of 1838, when leaving the church, he refused to surrender,<sup>30</sup> but the ungracious son of John Whitmer, of whom Elder Pratt made his inquiries, either could not or would not give him any information.<sup>31</sup>

29. Pratt-Smith Report, *Millennial Star*, vol. xl, Nos. 49, 50.

30. See *History of the Church*, Period I, vol. iii, pp. 15, 16, where both his refusal, and formal demand for the records will be found.

31. Pratt-Smith Report, *Millennial Star*, vol. xl, p. 786. This Whitmer *Ms.* was afterwards copied by Elder Andrew Jenson, 1893, and the copy is now on file

## CONVERSATION WITH JACOB WHITMER

*Orson Pratt* (to Jacob Whitmer, son of John Whitmer): "Your father was once the historian of the church, and I am the present historian; we are anxious to preserve all the items of history we can, we would therefore like to see the *Ms.* your father kept, and if possible, to make satisfactory arrangements with you, to purchase the same, provided there is anything in the *Ms.* which we have not already published. I suppose you are aware that the *History of the Church* has already been published."

*Jacob Whitmer*: "We've got no history here, all father's papers have gone to Richmond long ago."

*Orson Pratt*: "We had a very pleasant interview with your uncle, David, at Richmond. We arrived there last Friday, and remained two days, he showed us the *Ms.* of the *Book of Mormon*, but said nothing about having any other papers."

*Jacob Whitmer*: "We have got no papers here."

## THE CALL AT PLANO, ILLINOIS

These apostle missionaries also visited Plano, Illinois, the headquarters of the "Reorganized Church," but the president, Mr. Joseph Smith, eldest son of the Prophet Joseph Smith, was absent. The purpose of this visit to Plano appears to have been to obtain some information concerning the *Ms.* of the "translation of the *Bible—Old and New Testament*," made by Joseph Smith, the Prophet, 1831-1833, at Kirtland, the alleged *Ms.* of which was in possession of his son, Joseph Smith. Mr. Smith not being at home they failed to obtain the privilege of examining the *Ms.*, but were invited to address a prayer meeting held at Plano, an opportunity of which they availed themselves to correct a num-

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in the Historian's Office in Salt Lake City. It is principally a collection of detached notes and dates, with little attempt at organization; and of no special consequence except that it represents all the "history" that John Whitmer had written; and the church knows there is nothing he had that she does not possess.



ber of errors which the "reorganized" following entertained. The testimony of Elder Pratt on this occasion is very important, because he could speak as an authority with reference to the subjects he treated, being a participant in the incidents referred to, and for that reason his remarks are here set down:

"Mr. Dille, the presiding officer of the meeting, came to us and urged us to occupy the time. He said, 'this is a prayer meeting, and I have no right to change it, but many have expressed a wish to hear you and we would like very much for you to accept our invitation.' Elder Pratt replied, 'If it is the wish of all, I have no objections.' Mr. Dille then called a vote which was unanimous, and after the meeting was opened we were invited to the stand. Elder Pratt then gave a plain, simple narration of his early experience in the church, relating many interesting incidents connected with its rise; explained the circumstances under which several revelations were received by Joseph, the Prophet, and the manner in which he received them, he being present on several occasions of the kind. Declared that sometimes Joseph used a seer stone when inquiring of the Lord, and receiving revelation, but that he was so thoroughly endowed with the inspiration of the Almighty, and the spirit of revelation that he oftener received them without any instrument, or other means than the operation of the spirit upon his mind. Referred to the testimony which he received of the truth of the great latter-day work while as yet a boy. Testified that these things were not matters of belief only with him, but of actual knowledge. He explained the circumstances connected with the coming forth of the revelation of plural marriage. Refuted the statement and belief of those present that Brigham Young was the author of that revelation; showed that Joseph Smith the Prophet, had not only commenced the practice of that principle himself and taught it to others, before President Young and the twelve had returned from their missions in Europe, in 1841, but that Joseph actually received revelation upon that principle as early as 1831. He said, 'Lyman Johnson, who was very familiar with Joseph at this early date, Joseph living at his father's house, and who was also very intimate with me, we having traveled on several missions together, told me himself that Joseph had made known to him as early as 1831, that plural marriage was a correct principle. Joseph declared to Lyman that God had revealed it to him, but that the time had not come to teach or practice it in the church, but that the time would come.' To this statement Elder Pratt bore his testimony. He cited several instances of Joseph having had wives sealed to him, one at least as early as April 5th, 1841, which was sometime prior to the return of the twelve from England. Referred to his own trial in regard to this matter in Nauvoo, and said it was because he got his information from a wicked source, from those disaffected, but as soon as he learned the truth he was satisfied."<sup>32</sup>

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32. Pratt-Smith Signed Report, *Millennial Star*, vol. xl, Nos. 49, 50.

From Plano the missionaries visited Kirtland and the temple, thence to the Hill Cumorah and New York City, whence they returned to Utah. At the semi-annual general conference of the church held in Salt Lake City both Elders Pratt and Smith made reference to their late mission to the eastern states; and Elder Smith explained that the purpose of the mission was to obtain, if possible, "some dates and facts that pertained to the early history of the church, which, for the want of more correct records in that early date were lacking." The result of their investigations, however, had been disappointing: "they found no one who could give them any information, or who knew as much as ourselves on these matters."<sup>33</sup>

In December of the same year Orson Pratt was sent to England to get out stereotype plates of the *Book of Mormon* and of the *Doctrine and Covenants*. Both books were changed into the paragraphing that has ever since been followed, and the works were copiously annotated and cross referenced. This work Elder Pratt accomplished within a year, returning to Utah in September, 1879.

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33. Minutes of Conference, *Millennial Star*, vol. xl, p. 676, et seq.

## CHAPTER CXLVIII

### THE ANTI-"MORMON" CRUSADE, 1877-1880

**D**URING this apostolic period there began that wide spread and fierce agitation of the "Mormon" question in America which was to result finally in the special acts of congress which seemed to have for their object the utter destruction of the church. In some respects the agitation was to be projected along new lines. The *Boston Watchman*, a paper published in the interests of the Baptist church, outlined the new anti-"Mormon" campaign as follows:

#### OUTLINE

"The first proposed point in the new campaign is to prevent the admission of Utah as a state until polygamy is abandoned.<sup>1</sup>

The second is to induce congress to repeal the law making women in Utah voters.

The third is to induce congress to disfranchise every man and woman living in polygamous marriage. And if this is not sufficient 'to defeat the political views' of the Mormons, 'to disfranchise the offspring of all unlawful wives.'

The fourth is to rescue the public schools from the control of the Mormons, and to insist upon the establishment of free schools and prohibit the teaching of denominational sentiments in them."<sup>2</sup>

In November—the 7th—of the same year, a public mass meeting of non-"Mormon" women, about two hundred in attendance, convened in the Congregational Church at Salt Lake City and drew up an address to Mrs. Rutherford B.

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1. "And the hope is expressed that when the 'Mormons' understand that there is only one obstacle to the accomplishment of their desires, they may be induced to remove it."

2. *Boston Watchman*, impression of Sept. 5th, 1878. The *Deseret News* commenting on the "New Campaign" said in its impression of Oct. 2nd, 1878: "The latest scheme for the disintegration of the system which has outlived and triumphed over all those forces and agencies, contains more of the elements of subtlety and craft than any that have preceded it. And, therefore, it is fraught with greater danger. It should be watched, exposed and counteracted; it is designed by the same persistent enemy—the 'evil one,' but it comes in skillfully planned disguise. Its voice is gentle and it is clad in sheep's clothing. But the wolf is under the apparel of peace, all the same, and the object in view is destruction."

Hayes—wife of the president of the United States—“and the women of the United States.” The address made a scathing arraignment of the alleged evils of polygamy, deplored its practice in the name of religion, and also that a polygamist with four wives—George Q. Cannon—was permitted to sit in congress. The call was made upon the “Christian women of the United States to join in urging congress to empower its courts to arrest the further progress of this evil, and to delay the admission of Utah into statehood until this was accomplished.” Congress was memorialized to the above effect, and a circular letter to the clergy asking that the address to Mrs. Hayes and the women of the United States be read to their congregations and then presented to their respective congregations for the signatures of the ladies, after which they were asked to forward the same to the congressman of their district for presentation to the national congress.<sup>3</sup>

There was a counter demonstration by the women of the Church of the Latter-day Saints, held on the 16th of the same month, in the Salt Lake Theater, at which there was a very large attendance—2,000—the building being packed to its capacity. The nature of the protest against the interference proposed in the new campaign in Utah may be judged by the preamble and the first resolution of the series adopted at the meeting and enthusiastically sustained by many impromptu speeches made on the occasion:

#### PREAMBLE AND RESOLUTIONS ADOPTED BY THE WOMEN OF THE CHURCH

“Whereas, We women of the Church of Jesus Christ of Latter-day Saints, have been misjudged by, and misrepresented to the nation, by those in our midst of our own sex, in regard to our most sacred rights—the rights which pertain to the holy relations of wifehood and motherhood, we do hereby earnestly, solemnly and emphatically declare our true sentiments, and invite a thorough and impartial investigation of our cause; Wherefore:

First, *Resolved*, That we, women of the Church of Jesus Christ

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3. The Address, Memorial and Circular to the ministers will be found complete in *Deseret News* of Nov. 13th. 1878, Mrs. S. A. Cook presided at the meeting, and Mrs. M. M. Bane acted as secretary of the meeting.



of Latter-day Saints, and loyal American citizens, claim the right guaranteed by the Constitution, that 'congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof;' a right which we seek to exercise, not to the injury of others, but within the pale of peace and justice, of life, liberty and the pursuit of happiness, according to the dictates of our own consciences."<sup>4</sup>

This cause of the church was taken up in many other parts of the territory of Utah, where a similar course as to meetings and resolutions was taken as in Salt Lake City.

The general agitation referred to at the opening of this chapter, went on through the year 1878; scarcely a newspaper in the United States but what devoted more or less space to the subject of "Mormonism," and the prevailing tone was one of bitterness. The same agitation continued through 1879.

#### THE MILES POLYGAMY CASE

One of the contributing causes to this sustained newspaper agitation was the notorious "Miles Polygamy Case," that in its various hearings, trials, and appeals, reaching at last the supreme court of the United States, ran a course of about three years. The arrest of John H. Miles on the charge of polygamy took place on the 25th of October, 1878, in Salt Lake City. A hearing was immediately had before United States Commissioner Sprague, who adjudged the evidence to be sufficient to establish the probable guilt of the defendant, and therefore held him under bonds in the sum of \$1,500 to await the action of the grand jury.<sup>5</sup> In due course Miles was indicted by the grand jury, and the case came to trial on the 28th of April, 1879.

The complaining witness before the United States commissioner, in the preliminary examination, had been Edward

4. The proceedings of the meeting in full together with the resolutions and supporting speeches will be found in *Deseret News* of Nov. 20th, 1878; also in part in the *Millennial Star*, vol. xl, No. 51, pp. 815-816, *et seq*—the resolutions are omitted in the *Star's* account of the meeting.

5. For record of the examination of witnesses before United States commissioner, etc., see *Deseret News*, weekly, of Oct. 30th and Nov. 6th; and for the testimony at the trial, see full Court Record in *Deseret News* of May 7th, 1879.

C. Brand; but the real complainant was Carrie Owen, first wife of the defendant, prompted thereto by her jealousy of Emily Spencer, whom she suspected of being the plural wife of Miles. Her course was very sensational, and the anti-"Mormon" press and United States' officials made the most of it. At one stage of the proceedings before the commissioner a *habeas corpus* proceeding was begun before Judge Schaeffer, the allegation being made that Carrie Owen was being unlawfully held by John H. Miles and Angus M. Cannon, but those gentlemen in their answer disclaimed any right or intention to restrain her, and the matter was dropped. It was also charged that having left the house of Mr. Cannon, where a wedding reception was given in her honor, she was forcibly dragged back to it. It was even charged that she had been decoyed from her home in London, brought to Utah "rushed through an unnatural ceremony with two other women, taken to the house of Angus M. Cannon (a friend of Miles) and there cruelly outraged in the name of religion." All these charges and many others Carrie Owen Miles emphatically denied in a signed statement to which she made affidavit, the same being published in the press of Salt Lake City.<sup>6</sup> She became reconciled to her husband after the preliminary hearing before the commissioner and went with him to St. George during the winter of 1878-9. But by the time the Miles case came to trial in April she was again violently opposed to him and testified against him even more directly than at the preliminary hearing, repudiating as untrue the affidavit she had published exonerating the church and Miles from any wrong towards herself; saying that she wrote the affidavit as Miles dictated it, since making such a statement, and certifying it by affidavit, was the only terms on which Miles would become reconciled with her.<sup>7</sup> The trial jury

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6. See *Salt Lake Herald* of Nov. 5th, 1878.

7. For statement in full see *Salt Lake Herald* of Nov. 5th, 1878, and *Deseret News*, weekly, Nov. 13, 1878. For her testimony in the Miles trial repudiating her affidavit see *Deseret News* of May 7th, 1879. In the course of her affidavit Miss Owen, (Mrs. Miles) had said: "My husband has never informed me that he has another wife, and outside my own suspicion I have no knowledge that he has one."

—anti-“Mormon” throughout<sup>s</sup>—quickly brought in a verdict of “guilty” as charged. Sentence was deferred pending a hearing of a motion for a new trial, which hearing was had on the 2nd day of June following. The motion was overruled the same day, and Miles was sentenced to pay a fine of \$100 and to serve five years imprisonment. An appeal was taken to the supreme court of the territory which confirmed the action of the trial court. An appeal was taken to the supreme court of the United States, which reversed the decision of the territorial supreme court, April 4th, 1881, remanding the case for a rehearing which was never had, the United States district attorney holding that it would be impossible to prove the marriage of Miles with Emily Spencer, the alleged first wife.

The conviction of Miles rested primarily upon the testimony of Carrie Owen, and as her marriage to Miles was the only marriage proven—the fact of it was admitted by defendant, and he offered proof of it—it was held that she was incompetent as a witness in the case since a husband or wife under the statutes of Utah at that time could not testify against each other. All other errors pleaded were set aside, but on the error of the trial court admitting in evidence the testimony of Carrie Owen Miles to prove another marriage, and the trial judge instructing the jury that they might consider her testimony, erred; and on that ground the United

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I have heard him most emphatically deny that he married the girls of whom I was jealous. I am deeply sorry that my suspicions should have induced me to have taken a course whereby I have brought upon my brethren and sisters, my husband and myself unmerited odium, and my only desire in writing this is to acquaint the public with the facts of the case and leave them to judge for themselves concerning the issue.”

8. “In all my life,” said Judge Tilford, council for defendant, in his address in the case, “I never saw a trial in which the defendant had not a single friend or acquaintance or fellow believer upon the jury until the present time.” District Attorney J. H. Beatty, in presenting the case to the jury for the prosecution, said: “We are here to try the case, to decide the issue between the Mormon church and the United States government.” To this Judge Tilford replied: “My friend, Mr. Beatty made the remark that the issue was between the government on the one side, and polygamy and the church on the other. But I am satisfied that you will not accede to that view. The only issue before you, gentlemen, is whether John H. Miles is guilty as charged.” (For all above see *Deseret News*, 1879, p. 221 and *Salt Lake Herald*, Nov. 5th, 1878).

States supreme court reversed the action of the Utah courts,<sup>9</sup> as already stated.

John H. Miles and Carrie Owen Miles separated as man and wife. The woman accepted a clerkship position in one of the government offices at Washington. In 1881, during the anti-"Mormon" agitation of that period, she made an alleged expose of the endowment ceremonies published in the *Hand Book on Mormonism*, edited by J. M. Conyer, 1882.<sup>10</sup> Later she is heard of as appearing in conjunction with Kate Field and other anti-"Mormons" before a congressional committee considering the Edmunds-Tucker Law—1886-7; after that, oblivion.<sup>11</sup>

A greater sensation in Utah and throughout the United States than the Miles case itself was an incident of the trial resulting in a brief imprisonment of Daniel H. Wells, for alleged contempt of court. Mr. Wells, with several other prominent church officials,<sup>12</sup> was a witness in the Miles case. And it was the theory of the prosecution that Mr. Wells had performed the ceremony of marriage in the case of Miles and his wives—both Emily Spencer and Carrie Owen. The one thing needful to the success of the prosecution was to prove the marriage of the defendant Miles with Emily Spencer, the alleged first wife, the marriage with the Owen woman

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9. On this point the syllabus of the case said:

"It is only in cases where the first marriage is not controverted, or has been duly established by other evidence, that the second wife is allowed to testify; and she can then be a witness to the second marriage, and not to the first.

The plaintiff in error, lastly, claims that the court erred in allowing Caroline Owen, the second wife, to give evidence against him touching his marriage with Emily Spencer, the alleged first wife; and in charging the jury they might consider her testimony, if they found from all the evidence in the case that she was a second and plural wife. This assignment of error, we think, is well founded. \* \* \*

For the error indicated the judgment of the supreme court of the territory of Utah must be reversed." (*United States Supreme Court Reports*, complete edition, book xxvi, pp. 481-485).

10. *Hand Book on Mormonism*, pp. 23-30; and for declared authorship, p. 96.

11. See Whitney's *History of Utah*, vol. iii, pp. 75 and 560.

12. Of this class of witnesses were John Taylor, president of the church; Joseph F. Smith, counselor in the first presidency; Daniel H. Wells, counselor to the quorum of the twelve apostles; Angus M. Cannon, president of the Salt Lake stake of Zion. Private Secretary to the First Presidency George Reynolds, was also called, but by this time being himself under conviction for polygamy he was not allowed to testify.



being admitted by the defendant. One of the points of evidence the prosecution sought to introduce was that in the marriage ceremonies performed in the endowment house—a house then used pending the completion of a temple, the proper place for such ceremonies—parties to be married wore certain endowment robes, caps, veils, aprons, etc., and that Emily Spencer had been seen in the endowment house wearing this alleged apparel on the day of her supposed marriage. Mr. Wells had testified that he was acquainted with Miles, but did not remember to have seen him or Emily Spencer at the endowment house on the date of the alleged wedding, although he was at the endowment house, and believed he had performed marriage ceremonies that day. At this point he was questioned as to the endowment clothing worn at the wedding ceremony, and witness declined to answer. The court instructed the witness with regard to his privileges, and the grounds on which he might refuse to answer. As he persisted in his refusal to answer, and the prosecution insisted upon the question,<sup>13</sup> Mr. Wells was committed to the care of the United States marshal, with instructions that he appear the next day to show cause why he should not be committed for contempt of court.

#### THE WELLS "CONTEMPT" INCIDENT

The following day Mr. Wells with his attorney appeared in court and expressed a willingness "to answer the question if possible." Such answers as he gave, however, were not satisfactory. The prosecution put the question in a slightly different form: "Do they [the parties to be married] wear a green apron at marriages in the endowment house?" Mr. Wells declined to answer, stating that he was under a sacred obligation to preserve secret the things he was now

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13. "Last October [1878] when the Miles case was before Commissioner Sprague, the district attorney (P. T. Van Zile) made the boast that he would yet cause all the rites of the endowment house to be exposed in open court." (*Deseret News*, weekly, May 7th, 1879). The Wells case was doubtless the effort of the attorney to carry out his boast, but he failed.

required to reveal. Then this passage followed between the prosecuting attorney and the witness:

*“Attorney Van Zile: Then we are to understand that you have taken an oath not to reveal what takes place in the endowment house?”*

*Witness: I did not say so. I said a sacred obligation. I considered it as sacred as any oath taken in a court of justice.*

*The Court: Said the witness had not purged himself of contempt but was again in contempt.*

*Witness: I consider any person who reveals the sacred ceremonies of the endowment house a falsifier and a perjurer; and it has been and is a principle of my life never to betray a friend, my religion, my country, or my God. It seems to me that this is sufficient reason why I should not be held in contempt.”*<sup>14</sup>

The court again held that the witness had not purged himself of contempt and sentenced him to pay a fine of \$100, and to imprisonment for two days. Mr. Wells was immediately taken to the penitentiary by United States Marshal Shaughnessy, where a room was allotted to him<sup>15</sup> and he was kindly treated. The heroic answer of Mr. Wells made a strong appeal to his immediate ecclesiastical associates and to the Latter-day Saint community, and a public demonstration was quickly planned, to be carried out at the expiration of his brief imprisonment, as an expression of admiration for the stand he had taken in maintaining a high personal privilege—the right, according to a solemn obligation, to keep sacred and not reveal religious rites and ceremonies with associated paraphernalia. Accordingly notice was given through the press in Salt Lake City and by special messengers to the surrounding settlements near enough to participate in the proceedings, that such a demonstration would be given to “General Wells”—to drop back to his title in the Nauvoo Legion and the “Echo Canon War” period—consisting of a great procession to meet him on his release from prison and accompany him to the tabernacle in Salt Lake City, where a special program of music and speeches would be held in his honor.

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14. Court proceedings in *Deseret News*, weekly, of 7th May, 1879.

15. *Ibid.*, p. 217.

## DEMONSTRATION IN HONOR OF "GENERAL WELLS"

The response to this call for a demonstration was spontaneous, enthusiastic, and large. Trains from both north and south came laden with presidents of stakes, high councilors, bishops and other leading men, mayors and city councilors, with several bands of music from Bear Lake, Cache, Boxelder, Weber, Davis, Utah and Juab counties. The procession met General Wells midway from the city to the penitentiary, at the farm home of his friend, Colonel R. T. Burton, where the general had spent the night after his release from prison the previous evening. President John Taylor on meeting with General Wells, rose in the *barouche* in which he had driven from the city, and in the presence of an ever increasing throng of carriages, horsemen, and people on foot, thus addressed him:

"*President Wells*, In behalf of the community who feel outraged by the treatment you have received, I propose to present to you the confidence, the respect, the honor and the esteem of the people whose hearts, feelings and affections are with you.

We do not come here to interfere with any matters pertaining to the action of courts; we leave an intelligent public to act upon that matter, and to judge according to their wisdom and discretion. But we have come to exhibit to you our esteem and to show you that whilst you are true to your friends, your principles, your country, and your God, that your friends are equally true to you. \* \* \* We have come, General Wells, to wipe away a stain sought to be placed upon you by the bigoted, unreflecting, and thoughtless; and this demonstration is the spontaneous impulse and action of a generous, patriotic, kind-hearted and friendly people. For this purpose we have assembled here today; and in behalf of this whole community, I tender to you our sincere regards and our most heartfelt sympathy."

To this the general answered:

"I will simply say that I should feel exceedingly sorry for myself if I felt, for a single moment, that any of my friends supposed or could entertain the idea that I could do otherwise than I have done. I would be sorry for myself to feel, or to even think for a moment, that I could swerve from my integrity to the covenant which I have had the privilege, yes, the inestimable privilege, of making with my God. I can well afford to suffer bonds, fines, and imprisonment, and even death if necessary—which by the way has no terrors for me—but to

forfeit my fellowship with you, my brethren, or a single particle of that confidence which is reposed in me by the people of God, through violating the sacred and holy covenants we have entered into, I could not afford. That would indeed be a source of sorrow and regret, not only through time but for all eternity.”<sup>16</sup>

General Wells entered the carriage occupied by President Taylor, Feramorz Little, mayor of Salt Lake City, Angus M. Cannon, president of the Salt Lake stake of Zion, and Edward Hunter, presiding bishop of the church. The *barouche* was drawn by four white horses and led the procession of carriages and horsemen in a brisk trot to East Temple, or Main street. On this street for several blocks were formed the Sunday Schools of the city, Female Relief Societies, Improvement Associations, the city fire brigade, *en regalia*, quorum organizations of the priesthood, Scandinavian and German citizens, “and a vast concourse of people, some on the streets and others filling the balconies and standing on the roofs of the stores and houses.” Most of the principal stores were closed and hundreds of flags, banners, mottoes, and streamers on which appropriate sentiments were emblazoned were displayed. “The enthusiasm of the populace was immense, and the appearance of General Wells was greeted with deafening cheers, as the procession moved at a walk up East Temple street.” From lateral streets there streamed into the procession as per the orders of the committee in charge a constantly increasing number of carriages; after these came a long line of women and children on foot, followed by a long line of wagons three abreast, “and too numerous to count.” “Ten thousand persons took part in the procession and fully fifteen thousand more were spectators.” The great tabernacle was crowded to its capacity, and thousands were unable to gain admission. Seven bands of music sat with and accompanied the great tabernacle choir. The speeches and addresses were spirited and patriotic. Around the gallery of the tabernacle were arranged the mottoes and

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16. *Deseret News*, weekly, of May 14th, 1879. The quotations above are but excerpts from the speeches. They appear in full in the *News*, cited.



streamers carried in the procession. Some of these were striking in their sentiments. The spirit of all, and there were many of them, may be judged by the following:

*"If courts compel men to dishonor and forswear themselves, how can they expect perjurers to give truth in evidence?"*

*"We honor the law and its just administration, but we despise petty tyranny."*

*"We will teach our children to be true to their country and their God; but to perjure themselves, never! No, never!"*

#### GOD'S LAW

*"Thou shalt not forswear thyself; but shall perform unto the Lord thine oaths."*

#### MODERN LAW

*"Thou shalt forswear thyself, or go to prison."*

*"When Freemasons, Oddfellows, and others are compelled to make their secrets public, it will be time enough to practice on 'Mormons'; try the others first."*

*"Prisons are made for thieves, vagabonds, and lawbreakers; not for honorable men; when used for such purposes, we honor the prisoner more than the persecutor."*

*"Honor to the man who is true to his religion and his God, and who cannot be overawed by judicial tyrants."*

*"While we contend for religious liberty, we do not rebel against the government."*

*"The rights of conscience we never submitted, we could not submit, we are answerable for them to our God."—Thomas Jefferson.<sup>17</sup>*

The American flag was everywhere in evidence, flags carried by the people and festooned in the stand and gallery draperies, and everywhere honored.<sup>18</sup>

17. *Deseret News*, weekly of May 7th, p. 217. The tabernacle proceedings in full will be found in *Deseret News*, weekly, of May 14th, 1879.

18. Charges current in the anti-"Mormon" press of the times to the effect that the United States flag was "dishonored and trailed in the dust," were utterly groundless. The incident held to justify such a charge, the author of this *History* witnessed. He was among the horsemen of the procession, riding by the side of Mr. George Cleveland's open carriage. A young man occupied the front seat with Mr. Cleveland—who was driving—holding and waving semi-horizontally, occasionally, a rather large American flag. A man driving by in a buggy shouted—"This is the first time I ever saw my country's flag dishonored." He was white with rage. "You never saw it more honored," shouted back Mr. Cleveland. Whereupon the young man with the flag waved it more vigorously than ever. But it never touched the ground, much less was it trailed in the dust.

And thus did the Latter-day Saints seek to honor one who had made it the principle of his life, "never," to quote his own words—

*"Never to betray a friend, my religion, my country, or my God."*

#### "EVARTS' FOLLY"

During the year 1879 the anti-"Mormon" agitation was enlivened by the action of Mr. Wm. M. Evarts, secretary of state in President Hayes' cabinet, in sending an official circular letter of instruction to the diplomatic officers of the United States in various European countries—especially in England, Germany, Norway, Sweden, and Denmark—alleging that annual statistics of immigration into the United States, showed that large numbers from various countries of Europe came to America with the avowed purpose of joining the "Mormon" community in Utah; that the system of polygamy prevalent in the community of Utah was largely based upon and promoted by these accessions from Europe; that polygamy, or "Mormon" plural marriage, was pronounced by the laws of the United States to be a crime against the statutes of the country, and punishable as such. The secretary of state held that under whatever specious guise the subject might be presented by those engaged in the movement "to swell the numbers of the law-defying Mormons of Utah," their action could not be regarded otherwise than a deliberate attempt to bring persons to the United States with the intent of violating their laws expressly punishable as penitentiary offenses. No friendly power, the secretary said, would knowingly lend its aid, even indirectly, to attempts made within its borders against the laws and government wherewith it is at peace. It was not doubted, therefore, that when the attention of the several governments wherein the work of the "Mormon" proselyting was going on was called to this subject, said government would take such steps as would "be compatible with its laws and usages to check the organization of these

criminal enterprises by agents then operating beyond the reach of the law of the United States; and to prevent the departure of those proposing to come to the United States as violators of the law by engaging in such criminal enterprises by whomsoever instigated."

United States ministers were instructed to present the subject of this circular letter to the respective governments to which they were accredited, and to "urge earnest attention to it in the interest *not merely of a faithful execution of the laws of the United States*, but of the peace, good order and morality which are cultivated and sought to be promoted by all civilized countries." They were further instructed to fortify their representations on the subject by the citation of any facts which might come to their notice concerning the "Mormon" emigration from the country to which they were accredited. And to this end the consular officers in their jurisdiction had been instructed to communicate such information as they might be able to discover. "Your timely protest," said the circular to the ministers, "in cases where the probable departure of Mormon emigrants is reported or known to you, would probably prove a weighty auxiliary to the general representation you are instructed to make." Also the ministers were authorized, at their discretion to use the press in their respective jurisdictions in calling attention to the determination of the United States government, to enforce the law and eradicate the institution of polygamy.<sup>19</sup>

#### REACTION OF THE COUNTRY TO SECRETARY EVARTS' FOLLY

The action of the secretary subjected him to a storm of ridicule in the press of the country, and even in foreign lands. The general tone of American comment is perhaps best reflected in the comments of the *New York Sun* when publishing the text of the circular:

"It is now easy to understand why Mr. Evarts' department has

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19. The Evarts Circular Letter complete will be found in *Deseret News*, of Oct. 8th, 1879; and in *Millennial Star*, vol. xli, pp. 638-40.

been reluctant to make the circular public. For such a request as Mr. Evarts makes of foreign powers, he can probably show precedents in the diplomatic correspondence of Phillip II, and Cardinal Granville. The nineteenth century's conception of international law has been entirely overlooked in the preparation of this remarkable paper. Now let Mr. Evarts instruct his diplomatic agents abroad to ask the foreign powers—as a favor and a friendly act toward the United States—to hang any of their subjects who may become murderers after their arrival in this country. The foreign powers are said to have been astonished by Mr. Evarts' circular. They had reason to be amazed."<sup>20</sup>

The spirit of the British comment may be judged from an editorial in the *London Times* written upon receiving a telegraphic summary of the circular letter.

"Emigration commissioners may distribute tracts at the outports, just as they supervise the cabin accommodation for emigrants; but how are we to curtail the freedom of action of men and women who have contravened no law? We cannot, of course, pretend to speak with absolute precision of the powers and authorities sanctioned by the Constitution of the United States, yet we may venture to say that it is not at once plain by what means the United States government could undertake to prohibit the landing of Mormon converts in the ports of the Atlantic. \* \* \* We are not likely to extirpate the errors thus willingly embraced by the adoption of any measures that savor of persecution. Mormonism is more likely to die out than to be crushed out. \* \* \* If the United States government had determined to prohibit the landing of any Mormon proselytes in New York, or their passage across the Canadian frontier at Detroit, it would be necessary to declare the profession of Mormonism to be an offense in itself, and to institute a kind of inquisition of the religious opinions of immigrants. It is scarcely conceivable that legislation should go this

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20. *New York Sun*, quoted in *Deseret News*, weekly, of Oct. 15th, 1879, p. 582. The *New York Graphic* treated the circular to this bit of doggerel:

MR. EVARTS ANTI-MORMON LETTER TO THE DIPLOMATIC OFFICERS ABROAD

I want you to see  
That every-ee  
Man who migrates  
To the United States  
Has no more than one wife  
To trouble his life;  
For it's not a good plan  
For a single man  
To marry and carry  
A harem  
With him;  
For I've promised some ladies  
O'er a cup of Bohea  
To stop import of Mormons  
From over the sea.



length, and yet it must proceed to this extremity if it is to be sufficient for the purpose in view. And, whatever may be done by the United States congress, it is quite unconceivable that our parliament should take any action to confer on the executive government a power of interfering with Mormon emigrants. These deluded people have offended against no law of ours, and no law could be suggested as likely to pass that could extend to them."<sup>21</sup>

#### ACTION OF THE BRITISH GOVERNMENT ON THE EVARTS APPEAL

At Liverpool, Mr. George Ramsden, agent for Guion and Co., shippers,—with whom the church had transacted its immigration business for many years—arranged for an interview between Mr. Packard, United States consul at Liverpool, and Elders John Nicholson and Francis Cope—Elder William Budge, president of the European Mission, being absent at the time. The probable effect of Secretary Evarts' circular was quite thoroughly discussed. It was pointed out by Mr. Nicholson that "the people who emigrate to Utah had formed no polygamic marital connections, probably had not the slightest idea of entering into that relation, besides the certainty that great numbers of them never would. "Therefore they were neither lawless in point of fact nor intention," said Elder Nicholson; "consequently we cannot but view any attempt to stop them going to Utah as unwarranted by law, right, or precedent. Such action would necessarily have to be founded upon the frail basis of a supposition regarding the possible intention of the parties against whom it would be directed."

The following dialogue took place between the elder and the consul:

"Elder N.—Supposing you learned that a party of our people were about to leave this port, what course would you take, as directed in your instructions?

Consul.—I should acquaint the legation at London, that the British authorities might be asked to interfere with the departure of the company. I should also duplicate the information to the secretary of state, of the United States.

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21. *London Times* of Aug. 12th, 1879. Very many comments from the press of the United States and England will be found in *Deseret News* current impressions of August-September, 1879.

*Elder N.*—In the event of a refusal of the British authorities to act, do you think the United States government would prevent the people from landing at New York.

*Consul.*—No. The mere supposition of such action is unreasonable. There is no existing law that would warrant such a course."<sup>22</sup>

About a month later the consul at Liverpool was informed from the Latter-day Saint shipping office of the intended departure of a shipload of Latter-day Saints. Mr. Packard informed the American legation at London, which in turn laid the matter before the British government, and Mr. Cross, home secretary of Great Britain, directed the chief police officers of London and Liverpool,—and perhaps also of other cities—to publish the following notice:

#### NOTICE TO EMIGRANTS AND EMIGRATION AGENTS

"Whereas, there is reason to believe that a system of solicitation extensively prevails to induce persons to emigrate from Great Britain to the United States, for the purpose of joining the Mormon community at Salt Lake, in the territory of Utah, this notice is to warn all persons that the law of the United States prohibits the practice of polygamy existing in the Mormon community, and renders any person who engages therein liable to a heavy fine and long period of imprisonment.

J. J. Greig, Head Constable.  
Central Police Office, Liverpool, 18th October, 1879."<sup>23</sup>

"THE WISDOM OF THEIR WISE MEN SHALL PERISH"<sup>24</sup>—

This was all that was done. Indeed, according to a very foolish and a very inadequate explanation of his circular letter, all that Mr. Evarts expected to be done!

"Mr. Secretary Evarts was interrogated recently, at Washington, regarding the intent of his circular. The honorable gentleman protested that the purport of that remarkable document had been greatly misunderstood. He asserted it was not proposed to check, or stop the Mormon emigration. The circular was merely issued that the governments of those

22. *Millennial Star*, vol. xli, pp. 600-602.

23. Copied into *Millennial Star*, vol. xli, pp. 681-2.

24. Said of those who "fight against Zion," which in this case is the New Dispensation of the gospel, cf., *Isaiah*, ch. xxix, where the passage is found, with *Book of Mormon*—*II Nephi*, ch. xxvii.

countries from which the ranks of the Mormon church are said to be recruited, might be induced to warn their citizens that there is a law of the United States for the punishment of polygamy, and that it is the determination of the United States government to enforce it." If this statement is compared with the circular itself, or even with those excerpts of it quoted in this chapter, it will be seen that Mr. Evarts attempted very much more than to get such notice served upon Latter-day Saint emigrants. His explanation of the intended scope of his instructions to the American foreign legations, was not likely to inspire respect for Mr. Secretary Evarts' veracity; for the explanation is manifestly untrue.

Thus Mr. Secretary Evarts' mountain labored, and after severe pains brought forth this puny mouse, and diplomatic Europe was laughing at the spectacle the American state department was making of itself.

—"AND THE UNDERSTANDING OF THEIR PRUDENT MEN SHALL BE HID"<sup>25</sup>

Still more ludicrous than the state department of the government was the American "Christian pulpit made, about a year later, by the sensational anti-'Mormon' suggestions and recommendations of Rev. DeWitt Talmage." At the Brooklyn Tabernacle on the 26th of November, after making most sensational statements against the Latter-day Saints in Utah, he said:

"Then I say away with it [i. e. 'Mormonism']. Moral persuasion first, if possible; but moral persuasion, I tell you, will not accomplish it. They have declared over and over again that they will let their city go down under the bombshell before they will surrender polygamy, and I tell you that Mormonism will never be destroyed until it is destroyed by the guns of the United States government. It would not be war. I hate war. It would be national police duty, executing the law against polygamy. \* \* \* If there be any truth in the transmigration of souls, I hope that the soul of Andrew Jackson will get into the body of some of our presidents, and make a proclamation that within thirty days all these Mormons must decide upon one wife,

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25. See note 24.

or go to jail, or quit the country. Then have congress make provision for the carrying out of this order. If the Mormons submit to the law, all right. If not, then send out troops of the United States government, and let them make the Mormon tabernacle their military headquarters, and with cannon of the biggest bore thunder into them the seventh commandment."<sup>26</sup>

There was much more to the same effect, but this represents the general tenor of the discourse. Two weeks before, in announcing an anti-"Mormon" lecture in his church during the week, he said: "God will smite this nation to destruction if Mormonism is not driven out. It is the archenemy of the nation and is gaining strength every day."<sup>27</sup>

#### RADICALISM OF REV. JOSEPH COOK

Scarcely less radical than Rev. DeWitt Talmage was the Rev. Joseph Cook; who in Boston, as the former in Brooklyn, vented his bitter spleen against the Church of the Latter-day Saints, calling upon his hearers to "strike at the Upas tree" which was then "shedding down its poison on a territory larger than New England." "Strike," said he, "where President Hayes tells you to let the ax fall [i. e. take away the political power of the church which encourages and sustains polygamy, and govern the territory by a commission],<sup>28</sup> and this Upas tree, which now is the curse of the whole basin region, will drop as a compost heap, and give you there, ultimately, purity and wealth."<sup>29</sup>

Comment on this radicalism was various; but generally it was condemned by the leading newspapers of the country. The *New York Sun*, for example, said:

26. *New York Tribune* of Sept. 27th, 1880.

27. *Deseret News*, weekly, of Dec. 1st, 1880, after quoting New York papers, the *News* editorially said: "The tirade of mingled calumny, invective and brutality delivered by Dr. Talmage in the Brooklyn Tabernacle, as reported in the *New York Express* and other papers, seems to delight a certain class of persons laying claim to the title of Christians. \* \* \* The *New York Herald* seems to be delighted with the way in which Talmage 'went for the wicked Mormons,' to use its own elegant phraseology, but thinks there are difficulties in the way of breaking up the Mormons, to which Talmage has not obtained the key." (*Deseret News* of Oct. 20, 1880).

28. See *Messages and Papers of the Presidents*, vol. vii, p. 606.

29. *Christian Advocate*, quoted in *Deseret News*, weekly, of Dec. 24, 1879; and the *Cincinnati Times*, *Ibid*.



"Talmage now calls loudly on the president about to be elected to blow up a great community because their ideas of marriage differ from his. He does not propose to set about the work of converting them to better ways, but would march an army against them, and 'with cannon of the biggest bore thunder into them the seventh commandment.' \* \* \* We can't give up the shooting. The seventh commandment must be fired into the Mormons. But what good can even the Decalogue do a polygamist when he has to be blown to pieces in order to have it fired into him? The gospel was first preached among polygamists? Did its founder direct that men should give up all their wives except one or take the alternative of being cut to pieces? Even the seventh commandment, which Talmage would blow into the Mormons with the biggest guns, was uttered amid the thunders of Sinai to a polygamous people, and from that day to this the world has gone on in the practice, the spread of purer and higher ideas of marriage coming out as a slow development and affecting only a part of the great races on the globe.

Moreover, if we accept Talmage's bloody and violent method in lieu of the benign method of persuasion, and example, of love, kindness, and charity preached by Christ, we must lay in guns of the biggest bore by the hundred gross. While we are sending a battery to the Mormon tabernacle, we must be getting ready one for Talmage's tabernacle also, and there will be thunder all around.

We imagine, therefore, that President Hancock—[the general, it will be remembered, was but the nominee for the presidency at the time, and was defeated by Garfield] will hesitate about adopting this Christian preacher's plan for blowing the Decalogue into our citizens from the cannon's mouth."<sup>30</sup>

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30. The *Sun* article is copied into the *Deseret News*, weekly, of October 13, 1880.

## CHAPTER CXLIX

### THE MARTYRDOM OF JOSEPH STANDING IN THE STATE OF GEORGIA

ONE of the incidents which grew out of the very widespread and bitter anti-“Mormon” crusade in the United States, described in the preceding chapter, was the killing of Elder Joseph Standing, near Varnell Station, Whitfield county, in the state of Georgia, on the 21st of July, 1879. A brief statement concerning the work of the church in the south, properly precedes the narrative of the incident.

#### POST-WAR ORGANIZATION OF THE SOUTHERN STATES MISSION

Just before the war between the states began, the missionary elders of the church in the southern states, and as many of the Latter-day Saints as could be induced to accompany them, left the south for Utah; and it was not until several years after the close of the war that the mission was again opened. There had been some individual work done in various parts of the south after the close of the war and before the year 1875, yet it was not until that year that an effort to organize the Southern States Mission was made. During this year Henry G. Boyle, from one of the Arizona settlements—Pima, Graham county, established a branch at Shady Grove, Hickman county, Tennessee, “at which the initial move looking to establishing permanent headquarters was begun.”<sup>1</sup> At the October conference in Salt Lake City, 1875, seven elders were called on missions to the southern states, including in the number Joseph Standing, from Hampton’s station on Bear river, Box Elder county, Utah; and John Morgan, of Salt Lake City. This group of seven elders reported to Elder Boyle, and at their first meeting they elected him to be their president. This election was ratified by the general authorities at the October conference of the church

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1. History of the Southern States Mission, in the *Southern Star*, vol. i, p. 1.

in 1876, at which time Elder Boyle was set apart as president of the mission. Elder Boyle returned to the south afterwards, accompanied by twelve additional elders, and the work was opened in various districts of Tennessee, Arkansas, Alabama, Georgia, Mississippi and Virginia, where the interest became great and baptisms quite frequent.<sup>2</sup>

It was during these years that emigration of Latter-day Saints began from the southern states to the "Mormon" settlements in Arizona and in the San Luis valley, Colorado. In January, 1878, Elder John Morgan was appointed to succeed Elder Henry G. Boyle as president of the mission,<sup>3</sup> and at once inaugurated a vigorous propaganda throughout all the southern states. Scores of elders were called from Utah to labor in the mission which resulted in a large ingathering of converts, and the organizing of many branches and conference districts of the church in the south.

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2. On April 6th President Boyle reported eleven elders in the field,—a number who had been previously engaged in the south had been honorably released to return home—five organized branches with a membership of 215, and a scattering membership of 60, being a total membership of 275. (History of the Southern States Mission, in *Southern Star*, vol. i, p. 9).

3. "John Morgan \* \* \* was the son of Gerrard Morgan and Ann Eliza Hamilton, and was born Aug. 8, 1842, at Greensburg, Decatur county, Indiana. During the war of the Rebellion, which broke out when he was eighteen years of age, he joined the Union army, and served with honor and distinction, participating in several of the most important battles. Coming to Utah at the close of the war, he was soon engaged as an instructor in the university, when that institution was conducted in the Council House, Salt Lake City. Later, he established the 'Morgan Commercial College,' on First South street, in a building located where the Morgan (now Colonial) Hotel stands. Having become converted to 'Mormonism,' he was baptized by Robert Campbell, Nov. 26, 1867, in Salt Lake City, and ordained an elder by Wm. H. Folsom, Oct. 23, 1868." (*Latter-day Saints Biographical Encyclopedia*, Jensen, 1901, p. 204). Elder Morgan served as president of the Southern States Mission for thirteen years, during which time he gave brilliant service in church propaganda. He was well acquainted with the people of the south whom, during his service in the Union army, he learned to esteem; and gave more than thrice the number of years to teaching them the truths of the gospel than he had served in the army to maintain the Union. A very close personal friendship with John Morgan may warrant the writer in saying that of the men engaged in the work of propaganda under the authority of the New Dispensation, none was more suited to the work, and but few were more successful than he. He was a man of a high sense of honor; of broad charity; keen of intellect, gentlemanly and polished in his manners, and brave to the point of reckless daring. He came of a stock noted for desperate courage, being a nephew of the noted confederate leader "Morgan the Raider," and uncle and nephew fought each other up and down the Lebanon and Murfreesboro pike for several weeks during the war. He was ordained a member of the first council of the seventy in October, 1884, a position he held and honored up to the time of his death, which occurred ten years later.

This success of the church propaganda in the southern states produced much comment throughout the press of the country, and was apparently a source of annoyance to the sectarian churches, and resulted in a great amount of the anti-“Mormon” literature of the period being circulated in all parts of the south, that tended to create the impression among the people that the Church of the Latter-day Saints was outlawed, and her representatives the legitimate objects of mob violence, all too prevalent in the south at that time. “The government of the United States is against you,” said one of the mob, when young Joseph Standing expostulated with them on the lawlessness of impending violence, “and there is no law in Georgia for Mormons.”<sup>4</sup> This condition as it developed in Whitfield county, where Elder Standing was laboring, became a matter of correspondence between his excellency, Governor Colquitt, of Georgia, and Elder Standing about a month before the tragedy. This correspondence shows an intelligent comprehension of the rights possessed by himself and his brethren, and of the saints in Georgia under the law; and gives evidence of clear thinking and courage on the part of Standing, then but twenty-six years of age. The correspondence is here given in full:

STANDING’S LETTER TO GOVERNOR COLQUITT

“Van Zant Store,  
Fannin County, Ga.,  
June 12th, 1879.

*Dear Sir:*—As an elder of the Church of Jesus Christ of Latter-day Saints, commonly called ‘Mormons,’ I take this occasion to address a few lines to you as the highest officer of the state.

I have recently received several letters from members of our denomination residing at Varnell Station, Whitfield county, informing me that elders of my profession have been obliged at times to flee for their lives as armed men to the number of forty and fifty have come out against them, and have also on various occasions entered their houses in search of said elders.

I am fully aware, dear sir, that the popular prejudice is very much against the ‘Mormons’ and that there are minor officers who have apparently winked at the condition of affairs above referred to. But

4. History of the Southern States Mission, *Southern Star*, vol. i, p. 58.



I am also aware that the laws of Georgia are strictly opposed to lawlessness and extend to her citizens the right to worship God according to the dictates of conscience.

History, however, repeats itself, and the laws, where prejudice exists, are not always executed with impartiality.

A word or line from the governor would undoubtedly have the desired effect. Ministers of the gospel could then travel without fear of being stoned or shot and the houses of the saints would not be entered in defiance of all good law and order.

Your kind attention to this matter will be duly appreciated by your humble and obedient servant,

[Signed]

"Joseph Standing,"

Presiding Elder of the Georgia Conference.

To His Excellency, Governor Colquitt, Atlanta, Ga."

#### GOVERNOR COLQUITT'S ANSWER TO STANDING'S LETTER

"Atlanta, Ga., June 21st, 1879.

Mr. Joseph Standing, Van Zant Store, Ga.:

*Dear Sir:*—In reply to your letter of the 12th inst., the governor directs me to say that your statement is entirely correct, that 'the laws of Georgia are strictly opposed to all lawlessness, and extending to her citizens the right of worshipping God according to the dictates of conscience.'

Under the provisions of our state Constitution, the reformation of religious faith or of opinion, on any subject cannot legitimately be the object of legislation and no human authority can interfere with the right to worship God according to the requirements of conscience. So long as the conduct of men shall conform to the law, they cannot be molested, and even for non-conformity thereto they can be interfered with only as the law may direct. No individual or combination of individuals can assume to vindicate the law. Courts and juries are instituted for that purpose, and to them alone is committed the office of legally ascertaining the perpetrations of crime, and of awarding punishment therefor.

The governor regrets to hear the report you give from Whitfield county. He will instruct the state prosecuting attorney for that district to inquire into the matter, and if the report be true, to prosecute the offenders. I am sir,

Very respectfully yours,

J. W. Warren,<sup>5</sup>

Secretary Executive Department."

#### THE SEIZURE OF ELDERS STANDING AND CLAWSON

So far as known Governor Colquitt never fulfilled his promise to instruct the prosecuting officer of Whitfield county to make an inquiry into the alleged lawless conditions ob-

5. *Southern Star*, vol. i, p. 67.

taining there previous to the Standing tragedy; but he soon had the painful evidence of the fact of the lawlessness thrust upon him by the unlawful killing of his young correspondent. Elder Standing and his companion, Elder Rudger Clawson, the latter twenty-two years of age, were *en route* from their field of labor in Whitfield county to a conference to be held in Rome, Georgia, and arrived in the vicinity of Varnell Station, where a few families in the church resided, about nine o'clock on the evening of the 20th of July. They found the saints in such a state of fear at the murderous threats that had been made of late against the elders and themselves, that they were afraid to give them lodgings, and the two brethren found it necessary to walk about a mile and a half further on, where they were received by a friendly non-"Mormon" by the name of Henry Holston, and given lodgings for the night. Here they were again informed of the many and bitter threats of mobbing, whipping and even killing the elders that were made in the neighborhood. The next morning the young missionaries concluded to pay a brief visit to the family they had called upon the night before, and where they had left their handgrips containing their books and clothing. The fear of having the elders at their residence had not left this household with the passing of the night, and the stay of the brethren was brief. Returning to Mr. Holston's they encountered a mob of twelve men, part of whom were mounted. These roughly took them from the highway some distance into the dense wood through which the road passed. When first taken in charge young Standing asked to know by what authority they were molested and taken from the public highway; and if their captors had a warrant for their arrest they would like to see it. "We'll show you by what authority we act," was the answer of one of the leaders. As they were marched through the woods Elder Standing labored under great stress of feeling, and expostulated with the mob against any intended violence. His remonstrance and appeals seemed to anger his captors rather than to soften their hearts. Elder

Clawson was assaulted on the march and knocked to his hands and knees by a blow dealt him from behind by one of the band;<sup>6</sup> a second assault, this time with a heavy club, was arrested by one of the mob. At last a spring of water in a glade of the forest was reached where the mob halted and here a desultory conversation took place occupying fully an hour, during which time the vilest accusations were made against the Church of the Latter-day Saints, and beastly talk and jest on the part of the mob which but revealed the depravity of their own hearts. Standing from the first of this adventure had been consumed by a burning thirst, occasioned by the stress of the excitement under which he labored; and by permission of his captors was allowed to get a drink from the spring, though he feared he would be shot while drinking.

#### THE MURDER OF JOSEPH STANDING

While the main part of the mob with their victims were *en route* for the spring three of the number on horseback had made a detour, either for the purpose of bringing into the mob more of their following, or to reconnoiter for the purpose of seeing if any move was set on foot by the friends of the elders to effect their rescue; for while *en route* to the spring two persons had passed them, one, a man of the name of Jonathan Owensby; the other, a young girl, Mary Hamlin, the daughter of a widow in the neighborhood, and who, when seeing the mob pass her house, sent her daughter to intercept the elders and warn them of their danger. When Mary Hamlin met them they were already in the hands of their enemies, but she had seen and recognized the men composing the mob.<sup>7</sup> After an absence of an hour the horsemen rejoined their associates at the spring. On riding up one

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6. It was afterwards learned that Clawson's assailant was Ben Clark, a Baptist deacon. Clawson's statement, *Deseret News*, weekly, of Aug. 6th, 1879.

7. One of the mob said: "You see we have got your brethren. As soon as we dispose of their case we purpose attending to you. 'The Lord is with them, and my prayers are forever for them,' replied Mary, the tones of her voice evincing deep emotion. She then went on her way." (*Southern Star*, of Jan. 21, 1899, p. 59).

who seemed to be the leader said, "Follow us." At this juncture, according to the statement of Elder Rudger Clawson, Elder Standing suddenly "leaped to his feet with a bound \* \* \* brought his two hands together with a sudden slap and shouted in a loud, clear, resolute voice—"surrender!"<sup>8</sup> On the instant one of the mob seated on the left of Standing rose to his feet and fired into the elder's face, the latter reeled and fell without a groan. Instinctively the thought of Standing's companion, Elder Clawson, was of flight, when someone said—"shoot that man!" Clawson turning quickly faced the mob, and folding his arms, exclaimed—"shoot!" His coolness and resignation seemed to awe the mob, and they lowered their guns. Walking over to his companion, who after falling had turned over so that he lay face upward, he examined the wound, and found that the ball had entered the left eye, putting it out, ranged upward and came out on the forehead. While thus engaged one of the mob drew near and said: "This is terrible, that he should have killed himself in such a manner!" "Yes, it is terrible," replied young Clawson. The ingenious mobber was evidently suggesting the theory of suicide as a way out of the murder for himself and companions.

Elder Clawson was permitted by the mob at his own earnest solicitation to go after help to care for the body. He first called at the home of Henry Holston and asked him to care for the body while he mounted a horse and rode to Catoosa springs for the coroner, from which point he telegraphed the sad news of the murder to Salt Lake City and to

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8. History of Southern States Mission, in *Southern Star*, vol. i, p. 59. The account was written by Elder John Nicholson, long the associate editor of the *Deseret News*. Another version of this incident is that Standing had a pistol in his hands when calling on the mob to "surrender." (See account of the trial of the murderers, special correspondent of the *New York Herald*, copied into the *Deseret News*, weekly, 20th August, 1879, p. 457). The same impression seems to have possessed the mind of the *News* man, who wrote an editorial account of the event soon after the tragedy. (See *Deseret News*, weekly, of Aug. 6th, 1879, pp. 428-9). Elder Clawson, however, notwithstanding "the possession-of-a-pistol-version," insists that if his companion had a pistol he did not see it, and did not know of his having one, and saw none lying near him when raising his head from the dust, to place the murdered man's hat under his head. (This to the author as late as February, 1915).



Governor Colquitt. He returned the same evening to Mr. Holston's accompanied by the coroner. Meantime Mr. Holston had gone to the scene of the tragedy, and on examining the wound found that young Standing was not yet dead, though he was unconscious. Parties of the mob, he discovered, were still prowling in the vicinity, watching all that might take place. Holston constructed a shade of tree boughs to shelter the body from the hot rays of the July sun, and not being able to do any more that would be helpful, he returned home.

On the arrival of the coroner, Elder Clawson, Mr. Holston, and several other people living in the neighborhood, went to the scene of the murder. It was discovered that after the kind offices of Mr. Holston had been performed, members of the mob must have returned and fired about twenty shots into the body, chiefly into one side of the face and neck which was literally "riddled with bullets," fired at so close a range as to powder-burn the wounds." An inquest was held over the dead elder's body and a verdict rendered which appeared in the *Independent Head Light* of Dalton, the shire town of Whitfield county, Georgia:

#### CORONER'S VERDICT

"We the jury sitting upon inquest over the dead body of Joseph Standing, having heard all the evidence in the premises, and having made examination of the dead body, find that the deceased came to his death by gun and pistol shots, or both, inflicted upon the head and neck of deceased, said wounds consisting of 20 shots or more from guns or pistols in the hands of David D. Nations, Jasper N. Nations, A. S. Smith, David Smith, Benj. Clark, Wm. Nations, Andrew Bradley, James Fawcett, Hugh Blair, Joseph Nations, Jefferson Hunter, and Mack McClure; and in view of the above stated facts, we, the jury,

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9. The theory is advanced by the historian of this incident, Mr. John Nicholson, at the time associate editor of the *Deseret News*, that this fiendish act was done by the mob in order to make the separate members of it equally responsible for the crime. "It is not unusual for men who commit a common crime, to enter into compacts to stand by each other for mutual protection against the just reward of their deeds. It is likely therefore that those men agreed to stand upon an undoubted common ground in regard to the murder of Joseph Standing, and to make the obligation and understanding complete, each actually fired into the person of the victim." (*Southern Star*, vol. i, p. 67).

do hereby recommend that the coroner of said county do issue a warrant for the arrest of the above named parties forthwith."<sup>10</sup>

#### FUNERAL OBSEQUIES AT SALT LAKE CITY

After some difficulty Elder Clawson succeeded in getting the body to Salt Lake City, where a special service in the Salt Lake tabernacle for the departed elder was held in the presence of ten thousand people, followed by processional honors to the city cemetery. Soon afterwards a neat monument of Italian marble was erected over his remains by the Young Men's Mutual Improvement Associations of the church, of which organization Elder Standing was a member. On it is inscribed his name, time of birth, also the place and manner of his death, with the following lines written by Orson F. Whitney, then a bishop in the church, later one of the twelve apostles:

#### JOSEPH STANDING

"Beneath this stone, by friendship's hand is lain  
The martyred form of one, untimely slain,  
A servant of the Lord, whose works revealed  
The love of truth for which his doom was sealed.

Where foes beset—when but a single friend  
Stood true, nor shunned his comrade's cruel end—  
Deep in the shades of ill-starred Georgia's wood,  
Fair freedom's soil was crimsoned with his blood.

Our brother rests beneath his native sod,  
His murderers are in the hands of God.  
Weep, weep for them, not him whose silent dust  
Here waits the resurrection of the just."<sup>11</sup>

Three of the murderers, *viz.*, Jasper N. Nations, Andrew Bradley, and Hugh Blair, were soon arrested, being found just over the line in the state of Tennessee, whither they had fled for safety. On being returned to Georgia they were released on furnishing bail in the sum of \$5,000 each. The grand jury found indictments against Jasper N. Nations for murder, one against Bradley for manslaughter, and against Blair for riot. Elder Clawson who had accompanied the

10. *Deseret News*, weekly, of Aug. 6, 1879, p. 429.

11. *Southern Star*, vol. i, p. 90.

body of Elder Standing to Utah returned to attend the trial, which was held at Dalton, the shire town of Whitfield county. John Morgan, president of the Southern States Mission, was also present. Jasper N. Nations was first tried, and the others immediately afterwards. After a trial which ran through three days, one of the most sensational ever held in northern Georgia, all three were acquitted. The charge against Bradley, since there was no hope of convicting him of manslaughter after Jasper N. Nations was acquitted of murder, was changed to riot, and both he and Blair were tried on that charge, but both were acquitted.<sup>12</sup>

"*The old, old story. Verdict, not guilty!*" Such the melancholy message which President John Morgan telegraphed to the *Deseret News* at the close of Jasper N. Nation's trial, on the evening of October 19th, 1879.<sup>13</sup>

And so the message runs through the trial of all those who have been the murderers of all the martyrs of the church, as well in the case of those already related in this *History* as others yet to be mentioned. "*Not guilty!*" It is fitting that it should be so, since God is to avenge in his own way and time the blood of his saints and his servants, which is to cry from the ground to God for vengeance in the New Dispensation,<sup>14</sup> clearly foreshadowing the fact that men would not avenge it.

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12. Under the charge of Judge McCutchen, the acquittal of the accused was a foregone conclusion from the first. "His honor charged the jury that if two or more persons combine to do an unlawful act, not having as its object the destruction of human life, and in the commission of such an act one of those engaged in the act goes beyond the purpose and intention and commits a homicide, *he alone is guilty of that offense*, and the others in the party are not guilty of homicide in any of its degrees, either as principals or accessories." (*Chattanooga Daily Times*, account of the Standing trial, copied into the *Deseret News*, weekly, of Nov. 5th, 1879). "Public opinion is against the Mormons, and public sympathy with the prisoners," was the *Times'* closing sentence of its account of the trial.

13. *Deseret News*, weekly, Oct. 22, of same year. Elder Clawson, Standing's companion, was afterwards chosen one of the twelve apostles of the church—1889; later, Oct. 4th, 1901, he was chosen a member of the first presidency, being made a counselor to President Lorenzo Snow, to succeed George Q. Cannon; but President Snow dying six days later, Elder Clawson was never ordained to this office, and returned to his place in the council of the twelve apostles. (*Latter-day Saints Biographical Encyclopedia*, Jensen, pp. 174-8).

14. See *II Nephi*, ch. xxviii:2-14 and *Mormon*, viii.

## CHAPTER CL

### ELDER MOSES THATCHER'S MISSION TO THE CITY OF MEXICO

IT was during the period of apostolic presidency from 1877 to 1880, that a successful mission was opened in the City of Mexico, under the direction of Elder Moses Thatcher of the council of the twelve apostles, and leading subsequently to the colonization in northern Mexico of Latter-day Saints both from Arizona and Utah settlements. The work began in the following manner.

#### OPENING OF THE WORK OF THE NEW DISPENSATION IN THE CITY OF MEXICO

President John Taylor received a number of letters from a Dr. Rhodacanaty, a resident of the City of Mexico, making inquiry concerning the doctrines of the Church of the Latter-day Saints. A number of the church works were sent in response to these inquiries and through them a score of people became interested in the work and believed in it so far as they could understand it from books. This in the autumn of 1878. A year later—at the October conference—Elder Thatcher of Logan, Utah, James Z. Stewart, of Draper, Utah, and Meliton G. Trejo, of San Pedro, were called to open the mission in the City of Mexico. Elders Stewart and Trejo will be recognized as being members of the first mission to Mexico, in 1876.<sup>1</sup>

When called at the October conference, 1879, the place of their mission was not named, except by these words—"For places to be designated." Elder Thatcher was joined by Elder Stewart in Chicago, and by Elder Trejo in New Orleans, this arrangement was adopted in order to keep the destination of the mission from being known for a time, lest efforts might be inaugurated to thwart its purposes.

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1. See Minutes of Conference for October, 1879, in *Millennial Star*, vol. xli, p. 708; also—for Thatcher's statement—Minutes of Jubilee Conference, April, 1880, in *Ibid*, vol. xlii, p. 274.



This second mission really grew out of the first to the republic, since it was through one of the pamphlets containing translations from the *Book of Mormon* by Elder Trejo that fell into the hands of Dr. Rhodacanaty that led to his correspondence with President John Taylor, and that to this second mission to Mexico. The circumstance stands as related by Elder Thatcher in the minutes of the Jubilee Conference—preliminary meetings to that conference—as follows:

“Elder Thatcher related the incident which gave rise to his mission; how a teacher in the Presbyterian college in the City of Mexico [this Dr. Rhodacanaty], who spoke several languages, becoming interested in a socialist scheme for the benefit of the poor, prayed for light from the Lord on this matter, and dreamed that a person brought him a book which he was to read; how a boy came to him next day and presented to him a book, which he prevailed upon him to buy after several refusals, and which proved to be that part of the *Book of Mormon* that had been translated into Spanish; and how the teacher was thus led to learn the truth and correspond with President Taylor, and finally come into the church, consequent upon the opening of the mission, by which a branch of twenty members had been organized in the City of Mexico.”<sup>2</sup>

#### A BRANCH OF THE CHURCH IN THE CITY OF MEXICO

The mission entered Mexico *via* Vera Cruz, arriving at the capital city on the 16th of November. The brethren found Dr. Platino C. Rhodacanaty, President Taylor’s correspondent, a Greek on the paternal side, and Mexican on the maternal. He was an educated and cultured gentleman, and had been publishing a monthly periodical called *Voz del Desierto* in which he was setting forth the principles of the New Dispensation. Four days after the arrival of the mission in the City of Mexico, Elder Thatcher baptized Dr. Rhodacanaty and one Silviano Arteaga, the latter was said to be a pure Aztec. Two days later six other male members were added to the church, and on the 23rd of November a branch was organized of which Dr. Rhodacanaty was made president, with Silviano Arteaga and Jose Ybarola as counselors, all three were ordained elders in the priesthood.

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2. See this *History*, chapter cxliv.

## ELDER THATCHER'S CONTACT WITH MEXICO'S OFFICIALS

Through the American minister, Mr. Foster, to whose receptions he was invited, Elder Thatcher was able to meet some of the leading men of the City of Mexico and of the republic. Among these was the learned Ygnacio M. Altamirano, of pure Aztec lineage, and one of the judges of the supreme court of the republic, a writer and orator of eminence, and to whom Elder Thatcher dedicated his *Tribute to the Memory of Montezuma*, written at Chapultepec,<sup>3</sup> during the elder's stay in Mexico. Through William Pritchard, an English newspaper man and magazine writer, Elder Thatcher received an introduction to Signor Vicente Garcia Torres, the proprietor of *El Monitor Republicano*, which opened its columns for some favorable articles, and corrected some slanderous and inaccurate ones previously published. Through General Alan G. Greenwood, of Roanoke, Virginia, who fought on the side of the south in the war between the states, Elder Thatcher secured interviews with Senor Sarate, minister of foreign affairs, M. Fernandez Leal, minister of public works and of colonization, and Senor Don Carlos Pacheco, minister of war. Minister Leal had visited Utah and spoke in high praise of the "Mormons" as colonizers, and as such would welcome them to Mexico should any of them choose to make their home in the republic. Minister Pacheco, was generally known as the hero of Puebla, for there he lost a leg and an arm while heading an assault upon that city during the "French Intervention." This distinguished general voluntarily tendered to Elder Thatcher letters of introduction and recommendation to the executives of the various states of the republic should he desire to visit them. Elder Thatcher later had an extended interview with Senor Ignacio Mariscal, for many years the accredited representative of the Mexican government at the capital of the United States, now minister of foreign affairs in the Mexican government, who was well

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3. *The Contributor*, vol. i, p. 145.

acquainted with Utah affairs, and esteemed one of the ablest men of the Mexican cabinet. The organ of the government noted all these interviews.<sup>4</sup>

#### OPPOSITION

The work of the mission met with some opposition. The *New York Sun* published a press dispatch respecting the mission of Elder Thatcher, falsely stating that he was sent to Mexico to purchase lands "for the colonization of the Mormons."<sup>5</sup> This occasioned considerable comment by the press in the City of Mexico; and while most of that comment was favorable the *Two Republics*, under the captions "Filibusterism," the "Spread of Mormonism," and "Yankee Diplomacy," made a violent attack upon the Church of the Latter-day Saints. In *El Monitor Republicano*, one of the most influential papers of Mexico, also appeared a scurrilous editorial, and other articles about Utah saints. Through the columns of *El Tribuna*, Elder Thatcher effectually replied to the writers in the *Two Republics* and if his answers did not change the unfriendly attitude of that paper, they did result in making its publishers less reckless in their subsequent statements. The opposition of *El Monitor Republicano* was overcome in an unusual manner. Elders Thatcher and Trejo obtained an interview with its wealthy proprietor, Signor Vicente Garcia Torres. This gentleman wrote for his paper under the *nom de plume* of "Francrido;" his son used that of "Alcestes;" and a third person that of "Juvenal." This last person was one Senor Enrique Chavara, and his article was the most offensive. But after the interview with the elders above mentioned he published in the following Sunday's impression of *El Monitor Republicano* a retraction of his first article and gave a most excellent account of the

4. For the above information respecting the opening of the Latter-day Saint mission in the City of Mexico, see Biographical Sketch of Moses Thatcher in *Latter-day Saints Biographical Encyclopedia*, Jenson, vol. i, 1901 edition, art. Moses Thatcher, pp. 127-136.

5. See Thatchers' account of his mission in April Conference Minutes, 1880, preliminary meeting in the Assembly Hall, *Millennial Star*, vol. xlii, p. 274.

sobriety and industry and morality of the "Mormon" people.<sup>6</sup> This newspaper controversy concerning the Latter-day Saints and their faith was on the whole favorable to the mission. By the close of the year 1879, sixteen people had been baptized, and added to the little branch previously organized; and in January following, Parley P. Pratt's *Voice of Warning*, that little classic of the New Dispensation literature, suitable as an introduction to God's great latter-day work in any country of the world, was translated into the Spanish language by Elders Stewart and Trejo, and placed in the hands of the printers.

#### COLONIZATION IN MEXICO PROPOSED

Meantime the friendly relations between the prominent government officials and the mission to Mexico continued. Through the before mentioned Mr. Pritchard, Elder Thatcher became acquainted with Mr. Emelio Biebuyck, a Belgian gentleman of influence in Mexico, who had a large colonization contract with the government. He was in Utah as early as 1854-5, at the time Colonel Steptoe and his command were stationed in the territory, and visited Utah twice afterwards. He had formed a personal acquaintance with President Brigham Young and was well informed on Utah affairs. Knowing the value of the Latter-day Saints as colonists, by actual contact with their settlements, Mr. Biebuyck was anxious to establish colonies of them in Mexico and offered special inducements in the matter of purchasing lands, securing for stated periods exemptions from certain taxes, and free entry from tariff duty of teams, wagons, agricultural

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6. When the attacks in *El Monitor* appeared, Elder Trejo, who had been confident "that those speaking his native tongue would never stoop to villify the 'Mormons' as others had done in the United States and Europe," was so incensed that he was for hunting down "*Juvenal*" and administering physical punishment. But he was restrained by counsel given in the interest of patience and moderation. "When finally the 'retraction' was secured, and the article favorable to the Latter-day Saints was published, he was quick to admit that what had been gained by patient endurance was more favorable to the cause than any physical chastisement given by him to the offending writer could possibly have produced." (From Thatcher's Biographical Sketch in *Latter-day Saints Biographical Encyclopedia*, Jenson, vol. i, p. 132).



implements, provisions, etc., during the founding of the colonies. This subject was so pressed upon Elder Thatcher that after much prayer, and deliberation with his brethren, "and feeling strongly impressed that the success of the mission in planting the gospel in Mexico largely depended on 'Mormon' colonization in that country, and the careful, judicious gathering thereto of native saints for care and instruction," it was finally decided that Elder Thatcher should return to Utah, that Mr. Biebuyck should also go, and they together present this colonization proposition to President John Taylor and the full council of the apostles. Before going, however, Elder Thatcher arranged for the payment of publishing the *Voice of Warning*; also with the assistance of Elders Stewart and Trejo, he dedicated the land of Mexico, "to the end that the gospel might be spread among her people. They besought the Lord to rid the nation of revolutionary elements and the disposition to shed blood; to break the shackles from the bodies and minds of the poor Lamanites, that they might be free in the law of Christ. And that, as the coming of the Spanish conqueror foreshadowed their bondage, so might the gospel foreshadow their deliverance; that as the first overcame them with the sword, so might the proclamation of divine truth subdue and soften their hearts."<sup>7</sup>

This accomplished, Elder James Z. Stewart was left in charge of the mission, and Elder Thatcher departed from the City of Mexico on the 4th of February, 1880, and arrived in Salt Lake City on the 22nd, ten days in advance of Mr. Biebuyck.<sup>8</sup> Together they laid before the council of the apostles the advantages of colonizing in Mexico. After careful consideration of the subject in all its bearings the council

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7. *Latter-day Saints Biographical Encyclopedia*, Jenson, art. Moses Thatcher, p. 133.

8. A press dispatch noted the departure of Elder Thatcher from Mexico, saying: "The Mormon elder, Thatcher, returned to the United States somewhat disappointed in his mission. The Mexican government will protect Mormons in their worship, but not in polygamy." (This appeared in the New Orleans papers on the 15th of Feb., and is in the *Salt Lake Daily Herald* of 17th of February). As Moses Thatcher made no attempt to get toleration of polygamy by the Mexican government, the dispatch was in that respect false.

of apostles concluded that "the colonization of Latter-day Saints in Mexico at that time, even under the generous concessions of the contract proposed, would be premature. Mr. Biebuyck's offer was therefore declined."<sup>9</sup>

#### PUBLICATIONS IN THE MEXICAN MISSION

The course of Elder Thatcher in leaving the Mexican Mission, temporarily, to lay the colonization propositions of Mr. Biebuyck before the council of the apostles, was approved by the council; but in November following he returned to the City of Mexico, arriving there on the 5th of December, accompanied by Elder Feramorz L. Young. Elder Thatcher took with him and presented to the Mexican Geographical Society and to the National Museum a set of church works bound in full gilt Morocco.<sup>10</sup> During his absence the Spanish translation of the *Voice of Warning* had been widely circulated; and soon after his return a 4,000 edition of Elder John Nicholson's *Means of Escape*, a missionary treatise on the gospel, was issued in Spanish and circulated. This was followed by a thirty-two page treatise on the *Divine Origin of the Book of Mormon*, written in English and then translated into the Spanish and published in that language. The treatise was also published in English in the *Contributor*, the organ of the Young Men's Improvement Associations of the church, and reproduced in England in the *Millennial Star*.<sup>11</sup> It is a consideration of the external evidences of the truth of the Nephite record drawn chiefly from the native writers

9. *Latter-day Saints Biographical Encyclopedia*, pp. 133-4. Naturally Mr. Biebuyck was disappointed, "and in a few days later departed for San Francisco, thence to New York and Europe. During his stay in Salt Lake City he was a part of the time the guest of President Taylor, who was much pleased with his frank manners, unassuming deportment and general understanding of men and things." (*Ibid*).

10. Each set contained a *Book of Mormon*, *Doctrine and Covenants*, *Pearl of Great Price*, Parley P. Pratt's *Key to Theology* and *Voice of Warning*; Spencer's *Letters*, *Hymn Book*, a *Bound Book of Miscellaneous Pamphlets*, George Q. Cannon's *My First Mission*, Jaques' *Catechism* and *A String of Pearls*, the latter a miscellaneous collection of Latter-day Saint experiences in spiritual things, intended to be faith promoting. This gift of books was "handsomely acknowledged" by both institutions.

11. See vol. ii of *The Contributor*, beginning with the April number, extending through five numbers; and vol. xliii of the *Millennial Star*, p. 353, *et seq.*

on Mexican antiquities, Lord Kingsborough's *Mexican Antiquities*, and the later work of Baldwin, Charney, Professor John I. Short, and others, showing agreement between the native traditions respecting migrations, colonization movements, and religion, and the *Book of Mormon* account of these things among the ancient inhabitants of the American continents. Elder Thatcher also wrote a treatise on *Mormon Polygamy and Christian Monogamy Compared*. This was also translated into the Spanish language and published. The English version appeared in the *Contributor*.<sup>12</sup> Elder Stewart had written a treatise on the *Coming of the Messiah*, several thousand copies of which were widely distributed.

There was also a complete translation of the *Book of Mormon* into the Spanish language under the supervision of Elder Thatcher, the conjoint work of Elders Trejo and Stewart, though the work was not published until 1886.

Elder Meliton G. Trejo was a very interesting character; and as his experience illustrates the manner in which men have quite frequently been brought into contact with the New Dispensation, that is, by spiritual direction, it is here summarized: Meliton G. Trejo was a native of Castile, Spain, and formerly a lieutenant in the Spanish army. In youth he was unsettled as to religion, "being unable to find any system that conformed to that delineated in the *Bible*." While in the army he heard a brother officer in the army make a remark regarding the saints in the Rocky Mountains in America, and was seized with an unconquerable desire to visit them. Inspired with this feeling he petitioned the Spanish authorities for the privilege of accompanying a military expedition destined for the Philippine Islands, which was granted. This action on his part was prompted by the hope that an opportunity would present itself to enable him to leave the Islands, and go to Utah.

Opportunities for temporal prosperity sprang up around him and had the effect of almost obliterating his desire to go

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12. Vol. iii, p. 99, *et seq.*

to the gathering place of the saints. However, he was stricken down with great physical prostration, which revived again the feeling about going to Utah, regarding which he asked the Lord to direct him. In a dream he was shown that he must obey the impression with which he had been so strongly inspired. In consequence, obtaining leave of absence, he took steamer for San Francisco, and thence to Salt Lake City.

Arrived in the "City of the Saints," he was in a peculiar situation, for being well educated, he was able to read English but could not speak it. One of the brethren, named Blanchard, a Frenchman, who could speak the Spanish language, was impressed in a singular way, to go to the hotel where Brother Trejo was stopping. Learning the curious circumstances that led to his being in Utah, he introduced him to the late President Brigham Young and others. After investigating the principles of the gospel, Brother Trejo was convinced of the divinity of their origin and was baptized and confirmed a member of the church, a few months after his arrival in Salt Lake City.<sup>13</sup> The rest of his career so far as it relates to the history of the church is incorporated in this chapter.

#### ORGANIZATION OF THE OZUMBA BRANCH—OPPOSITION

Meantime a number of baptisms had been administered in addition to those already noted as taking place in the City of Mexico—sixty-one by August, 1881—and a branch of the church was organized at Ozumba at the base of Popocatepetl in addition to the one organized in the capital of the republic. Ozumba is about forty miles southeasterly from the city of Mexico. Opposition to the work manifested itself by the appearance of anti-"Mormon" articles in two monthly Protestant publications, *El Abogado Cristiano*, the illustrated organ of the Methodist church north; and *Evangelista Mexicano*, organ of the Methodist church south.<sup>14</sup> To these

13. *Millennial Star*, vol. xlii, p. 31.

14. These distinctions of "north" and "south" in the Methodist church arose from the American war between the states, which not only divided the union of states but the Methodist and other churches into "north" and "south."



articles Elder Thatcher made answer through the daily secular press of the city.

#### ELDER THATCHER'S RELEASE—DEATH OF FERAMORZ YOUNG

In August, 1881, Elder Thatcher was released to return home,<sup>15</sup> and on the 15th of September accompanied by Fernando A. Lara, a native Mexican brother, and Elder Feramorz L. Young, whose health was failing him, he left Mexico, *via* Vera Cruz, for Utah. *En route*, while crossing the Gulf of Mexico, Elder Young died of typhoid fever, and as there were no means of preserving the body in that climate, he was buried at sea, on the 28th of September, off the coast of Florida, in latitude 27 degrees nine minutes and in longitude 29 degrees 47 minutes.<sup>16</sup>

The vessel—the *Knickerbocker*, bound for New York, was stopped for about twenty minutes for the burial, and a brief service held by Elder Thatcher, who explained to the assembled passengers who the young man was, his parentage, and his mission; the uprightness of his life, and bore testimony to the truth of the New Dispensation of the gospel, whereof Feramorz L. Young was a faithful messenger. Of his young companion, at the October conference in Salt Lake City, where he related the above circumstances connected with the death and burial of his companion, Elder Thatcher said of him: "Feramorz Young had lived a pure life. He was pure as mortal could be. He had never yielded to temptation; strong drink had never passed his lips; tobacco in any form had never been used by him; he never had used a blasphemous word in his life; he was humble, he was pure, he lived and learned how to die. Feramorz L. Young was as well prepared to pass behind the veil as any young man the speaker had ever known

15. The two elders who came with him to Mexico in 1879, Elders Trejo and Stewart, had both been released and had returned home: the first in May, 1880, to Arizona; the second in June, 1881, to Utah.

16. Biographical Sketch of Moses Thatcher, Jenson's *Biographical Encyclopedia*, p. 135; and for Elder Thatcher's remarks on Elder Feramorz Young, see Minutes of General Semi-Annual Conference of the Church in *Millennial Star*, vol. xliii, pp. 756-81.

in Israel, and he had never complained that God chose to call him.”

Three months before the departure of Elder Thatcher for Utah, Elder August H. F. Wilcken arrived in the city of Mexico, and on the departure of the apostle was placed in charge of the work, being the only elder from Utah left in the mission. Subsequently, however, he was joined by other elders, and though the force from Utah was never large, the mission was continued under various presidents until 1888; and by June, 1889, all the Utah elders were withdrawn from the republic.<sup>17</sup>

The mission was reopened in June, 1901, by Elder John Henry Smith, of the council of the twelve apostles, assisted by Elders Anthony W. Ivins, and Henry Eyring, both of the presidency of the Juarez stake of Zion, which by this time had been organized in the state of Chihuahua, in northern Mexico. With them came Elder Ammon M. Tenney who had been called upon a mission to Mexico. Such native saints as could be found in the state of Morelos were assembled in Cuernavaca the state capital of Morelos, where a meeting was held, and Elder Tenney set apart as president of the mission. The visiting party of brethren before leaving the City of Mexico had an interview with President Diaz, and to him was explained the nature of the mission just reopened and what it hoped to accomplish for the people. “President Diaz expressed great satisfaction, and wished the brethren success. He sent by the brethren warm greetings to President Snow”<sup>18</sup>—i. e. to Lorenzo Snow, then the president of the church. On the evening of the interview, June 17th, the visitors started on their return to their homes, and Elder Tenney took up his labors in which he was fairly

17. The list of presidents in the Mexican Mission during this first period is as follows: Moses Thatcher, 1870-1881. (James Z. Stewart acted as president *pro tem* during the absence of Elder Thatcher, Feb., 1880, to Dec., 1880). August H. F. Wilcken, 1881-1883; Anthony W. Ivins, 1883-1884; Helaman Pratt, 1884-1887; Horace H. Cummings, May, 1887—Oct., 1887; Henry Eyring, Oct., 1887, to Dec. 21st, 1888. (See History of the Mexican Mission, by Rey L. Pratt, *Improvement Era*, vol. xv, p. 487. *et seq.*, 1912).

18. *Ibid.*, p. 494.

successful. The force of missionaries from Utah and the "Mormon" colonies in northern Mexico, steadily increased, until by September they numbered eleven; and two years later these were increased to twenty.<sup>19</sup> The work in Mexico continued to flourish under a succession of faithful presidents,<sup>20</sup> until the revolutions and counter revolutions beginning in 1911-12 made it necessary for the missionaries to be withdrawn on account of the bitterness prevailing against the United States and all her citizens in Mexico.

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19. *Ibid*, p. 494.

20. The succession of presidents of the Mexican Mission since it was reopened in 1901 is as follows: Ammon M. Tenny, 1901-1903; H. S. Harris 1903-1904; Talma E. Pomeroy, 1904-1905; H. S. Harris, 1905-1907; Rey L. Pratt, 1907. (Pratt's History of the Mexican Mission, *Improvement Era*, vol. xv, pp. 486-497). Elder Rey L. Pratt, now one of the presidents in the first council of seventy is still acting as president of the mission (1930).

## CHAPTER CLI

### EXPANSION: MULTIPLICATION OF STAKES OF ZION—THE JUBILEE CONFERENCE

**D**URING this apostolic presidency—1877-1880—the settlements of the saints throughout the intermountain west were greatly multiplied, and those before established were strengthened by the arrival of new settlers. This was especially true of Arizona locations. In November, 1877, a colony of Latter-day Saints arrived on the San Pedro, in Cochise county, southeast Arizona, and became the founders of St. David and other settlements in that valley. This will be remembered as the valley through which the Mormon Battalion marched, and in which they had their bull fights with the wild cattle of that region in 1846.<sup>1</sup>

#### SETTLEMENTS MULTIPLIED IN ARIZONA

About two years later “Mormon” settlers were sent to the Gila river valley, Graham county. They were organized into a ward—26th of September, 1880, known as Smithfield, Joseph K. Rogers, was made bishop.<sup>2</sup> The number of settlers in this vicinity increased very rapidly; and three years after this first organization four bishop’s wards were organized.<sup>3</sup> The same year—1883—a stake organization was effected known as St. Joseph stake, which included the settlements in the San Pedro valley. Christopher Layton, formerly of Davis county, Utah, was made president, and David P. Kimball, son of the late Heber C. Kimball, and James H. Martineau were his counselors.<sup>4</sup>

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1. See this *History*, ch. lxxv.

2. Jenson’s *Church Chronology*, 1880, p. 100.

3. These were Pima, Thatcher, Graham, and Curtis. The respective bishops were Joseph K. Rogers, John M. Moody, Jorgen Jorgensen, and Moses M. Curtis. (Jenson’s *Church Chronology*, 1883, p. 112).

4. See *Latter-day Saints Biographical Encyclopedia*, p. 364, Biographical Sketch



Early in 1878 the first Latter-day Saint settlers arrived at Mesa, Maricopa county, Arizona, in the Salt River valley, fifteen miles southeasterly from Phoenix, the state capital. Settlements were multiplied in the immediate vicinity of Mesa, and in 1882 they were organized into a stake of Zion.<sup>5</sup>

On January 27th, 1878, the Latter-day Saints who had settled on the Little Colorado, in Navajo county—under the leadership of Major Lot Smith—by that time grouped into four settlements<sup>6</sup>—were organized into a stake of Zion, with Lot Smith as president and Jacob Hamblin and Lorenzo H. Hatch as counselors called the Little Colorado stake. Three of the settlements were organized into wards, a bishop being appointed in each, the fourth was made a “branch with a presiding elder.” This was the first stake organization effected in Arizona. This Major Lot Smith, now made president of the stake, was the Major Lot Smith of the United States train-burning episode in the “Echo Canon War,” and also when young a member of the Mormon Battalion. Before the expiration of the year,—viz., 27th December—President John Taylor directed that the settlements forming further up the Little Colorado, in Apache county, be organized into a stake. A line running southward from Barados (now Holbrook, on the Sante Fe railroad), was to be the dividing line between the two stakes thus proposed. The western division was to be the Little Colorado stake, and the eastern division, Eastern Arizona stake

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of Christopher Layton. Jenson's *Church Chronology*, p. 111. The St. Joseph Stake now [1930] includes seventeen bishops' wards. The settlements in the San Pedro valley were [1917], attached to the California Mission.

5. Alexander F. McDonald was made president, Henry C. Rogers and Charles I. Robinson, counselors.

6. The settlements were—Brigham City (formerly Ballinger), George Lake, bishop; Sunset (later abandoned, the railroad station of Winslow arose on the opposite side of the river), Levi M. Savage, bishop; St. Joseph, (formerly Allen) John Bushman, bishop; Taylor, a branch, with John Kartchner as presiding elder (See Jenson's *Church Chronology*, 1878, p. 101).

of Zion.<sup>7</sup> The division of the stakes on these lines was not carried out at that time; the Little Colorado stake consisted of the wards already mentioned at its organization, continued for several years, while the Eastern Arizona stake had within its jurisdiction, for a number of years, the settlements on Silver Creek, in the southeast corner of Navajo county, and also the settlement of St. Johns near the headwater of the Little Colorado, and other minor settlements in Apache county.<sup>8</sup> In 1887 the directions of President Taylor with reference to the division of these settlements into two stakes were carried into effect. The name of the Eastern Arizona stake, however, was changed at the time of this reorganization—July 23rd, 1887—to St. John's stake, David K. Udall, bishop of St. John's, being chosen president, with Elijah Freeman and Wm. H. Gibbons as counselors. Elders Francis M. Lyman and John H. Smith of the council of the twelve effected the organization.<sup>9</sup> Later, *viz.*, December 18th, the settlements on the west side of the line running south from Holbrook, on upper Silver Creek, Woodruff ward, and the fragments of settlements formerly constituting the Little Colorado stake,—by now discontinued—were organized under the name of the Snowflake stake of Zion, Jesse N. Smith, formerly of the Eastern Arizona stake being made president. Elder John H. Smith of the council of the twelve effected the organization.<sup>10</sup>

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7. See letters from President John Taylor under date of 27th Nov., 1878, *Letter Impression Book* xxx, pp. 287-291, also Jenson's *Church Chronology*, 1878, p. 103.

8. See *History of East Arizona Stake*, Joseph Fish, Ms. copy on file, Historian's Office, pp. 55 to 76. The president of the Eastern Arizona stake of Zion was Jesse N. Smith, cousin of the Prophet Joseph Smith; he had for counselors Lorenzo H. Hatch and Oscar Man—exact date of the organization not obtainable, (See Biographical Sketch of Jesse N. Smith, *Latter-day Saints Biographical Encyclopedia*, pp. 322).

9. Jenson's *Church Chronology*, date of 23rd July, 1887. At present [1930] the wards of the St. John stake are: Alpine, Eagar, Nutrioso, St. Johns, Vernon; and Ramah and Luna over the line in New Mexico.

10. See Jenson's *Church Chronology*, date of Dec. 18th, 1887.

SETTLERS *vs.* LARGE STOCK COMPANIES

The settlers in the St. Johns and Snowflake stakes met with great difficulties: first, on account of the nature of the country itself, its variable periods of drought, sometimes long continued, when the parched earth yields little on the ranges for the stock, and makes the supply of water for irrigation purposes uncertain; then came flood periods, that time and again destroyed reservoir dams, and washed out miles of irrigating canals: second, with the great stock companies of the section and period. This was the region of some of the great cattle and sheep companies, occupying the public domain with their herds, sometimes by lease from the government, sometimes by mere usurpation. The cattle and sheep companies and their employers waged fierce war upon each other for possession of the range, and both were opposed to the incoming of the settlers as trespassers upon their preserves. The stock companies often infringed upon the settlers' rights, disturbed their peace, run off their stock and resorted to occasional violence to discourage the saints from settling in the country.<sup>11</sup> Being "Mormons," the outlaw element of the community felt that they could trespass upon their rights with impunity, and the civil officers gave them none too warm a welcome into the territory. The colonists, however, persisted in their efforts to form and maintain settlements in the face of all these discouraging circumstances. The fighting of the great cattle and sheep companies for possession of range privileges came to an end; the building of more substantial reservoirs mastered the flood problems and the drought periods at the same time, and the saints by the uprightness of their lives, their industry, perseverance, and enterprise proved their value as citizens in the commonwealth, until the prejudices which gave them a cold reception on their advent into Arizona, and slight courtesy from the older settlers gave way to more enlightened

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11. See *History of Eastern Arizona Stake of Zion*, Fish, Ms.

policies of friendship; and today [1930] peace and confidence and respect are accorded to the Latter-day Saints of Arizona.

#### THE SETTLEMENTS IN COLORADO

During this period also settlements were extended into San Luis Park, the "South Park" of Fremont's maps of 1842-4, in the central southern part of Colorado, Conejose county. Converts to the faith in the southern states becoming quite numerous and being desirous of finding a suitable place to which they might be gathered and have the benefit of the church organizations, Elder James Stewart, later prominent, as we have seen, in the Mexican Mission, was appointed in March, 1878, to explore for a location for such a purpose. This resulted finally in the purchase of some Mexican claims in Conejose county, in the San Luis Park, and to this place the converts from the south began to arrive in May of the same year,<sup>12</sup> forming their settlement at Los Cerritos on the Conejose, a tributary of the Rio Grande. They were joined by a number of settlers from southern parts of Utah—many from San Pete county—and by other companies from the southern states which continued to arrive intermittently through the next ten or twelve years. In 1883—June 10th—the settlements were organized into a stake of Zion called the San Luis stake, with Silas S. Smith, cousin of the Prophet Joseph Smith, as president, and Richard R. Camp and William M. Christensen as his counselors.<sup>13</sup>

12. The first company of members of the church from the southern states that went to Colorado, was organized at Scottsboro, Alabama, and numbered eighty souls, in all. They were from Alabama and Georgia, and left for the west under the leadership of Elders John Morgan, James T. Lisombée and Thomas E. Murphy, on the 21st of November, 1877. They went as far as Pueblo, Colorado, where they went into winter quarters. (History of the Southern States Mission, *Southern Star*, vol. i, p. 9). In May of the following year the company moved into San Luis valley, and began their settlement as stated in the text. (Jenson's *Church Chronology*, 1878, p. 101). Among those who went from southern Utah to assist in the settlement of the San Luis valley was Hans Jensen, who became the first presiding elder over the forming settlements; also John Allen and Soren E. Berthelsen, they, too, were from San Pete, and became counselors to Elder Hansen. Later came Silas S. Smith and seven of his sons with their families; John C. Dalton and others from Iron county.

13. Jenson's *Church Chronology*, 1883, p. 112. The settlements constituting this stake are Manassa, Richfield, and Sanford.



## ORGANIZATION OF THE IDAHO SETTLEMENTS

Settlements were likewise extended into Idaho, in this period of apostolic presidency,<sup>14</sup> chiefly along the Bear river in Oneida county, 1879. These were Preston,—named in honor of Wm. B. Preston, later the presiding bishop of the church—and Riverdale; and later Marsh valley, in Bingham county; since then “Mormon” settlements have been extended throughout southern and central Idaho, until the Latter-day Saints number now [1930] 89,547 population in Idaho, divided into twenty-five stakes of Zion.<sup>15</sup>

## WYOMING SETTLEMENTS AND STAKES OF ZION

Settlements were also begun in Wyoming in this period, on Salt river, Uintah county; this under the supervision of Elders Brigham Young—son of the late President Brigham Young—and Moses Thatcher, both of the council of the apostles. They dedicated the valley as a gathering place for the saints on the 29th of August, 1878, when the name “Salt River valley,” was changed to “Star valley.”<sup>16</sup> The chief settlement was named Afton, and was organized as a ward in 1887, with Charles D. Cazier as bishop.<sup>17</sup> For a number of years the settlements in Star valley were included in the Bear Lake stake of Zion, but in 1892 the Star Valley stake was organized with George Osmond, president, and Wm. W. Burton and Anson V. Call as his counselors.<sup>18</sup>

Bunkerville and Mesquite wards were added to the Nevada group of settlements in Lincoln county, in the southeastern part of that state. This in 1879 and 1880 respectively.<sup>19</sup>

14. Settlements in the Bear River valley, Idaho, Paris, St. Charles, had been founded as already described, chapter cxxvii, this *History*, as early as 1864.

15. For dates of organization and first officers see Jenson's *Church Chronology*.

16. See *Latter-day Saint Biographical Encyclopedia*, Art. Moses Thatcher, p. 134.

17. Jenson's *Church Chronology*, 1887, p. 152.

18. The Star Valley stake is composed of the following wards: Afton North, Afton South, Auburn, Bedford, Etna, Fairview, Freedom, Grover, Osmond, Smoot, Thayne.

19. Edward Bunker was made bishop of the first settlement, Wm. Branch of the second.

## EXTENSION OF SETTLEMENTS IN UTAH

Settlements were also extended in various outlying regions in Utah. These were chiefly in the eastern part of the territory, on streams direct or indirect tributaries of Green river; such as Cottonwood, Ferron, and Huntington Creeks; and in the extreme southeastern part of the territory in the San Juan valley. Bluff, on the San Juan, is the chief city of this region, and was settled chiefly by people from Iron county, in 1880.<sup>20</sup> Four years later the settlements in this region were organized into the San Juan stake of Zion, with Francis A. Hammon as president.<sup>21</sup>

Settlements in extreme northeastern part of Utah were made on the Ashley fork of Green river in 1879. Two years later these settlements were made ecclesiastical wards—Ashley and Mountain Dell, with Jeremiah Hatch and Thomas Bingham, as their respective bishops. Other settlements were formed, notably Vernal, which became the county seat of Uintah county. These and other neighboring settlements were finally organized into the Vernal stake of Zion, but not until 1887; Samuel R. Bennion was made president with Reuben S. Collett and James Hacking as counselors.<sup>22</sup>

## THE CHURCH IN CONTACT WITH THE INDIANS

One of the results of the establishment of settlements in outlying sections of Utah, and more especially in Arizona, was to bring the Latter-day Saint settlers into contact with the Indian tribes of those regions, which, in consequence of

20. Jenson's *Church Chronology*, 1880, p. 106.

21. See *Latter-day Saint Biographical Encyclopedia*, art. F. A. Hammon, President Hammon was a remarkable man, but typical of the class of men called to be presidents of the stakes. From his own account of himself in the above sketch, is the following passage: "In December, 1884, I was called to go south and take charge of the San Juan stake of Zion. I spent a part of the winter of 1884-85 traveling in that region of country. In the fall of 1885 I moved with my family and a few others into the San Juan stake. The winter of 1888 I spent in Washington, D. C., in the interest of the settlers in that county, in connection with what was called the Southern Ute Indian Removal Bill. I shall be 76 years old on my next birthday and am still quite hale and hearty. I have built or bought twenty-five different homes since I married. I am the father of fifteen children, the husband of three wives, and grandfather to thirty-two children. Only one of my wives is now living. Life to me has indeed been worth living." (*Ibid*, p. 353). The following settlements now comprise the San Juan stake of Zion: Bluff, Monticello, Moab, Grayson.

22. Jenson's *Church Chronology*, 1887, p. 147.







their sympathy with the red men and their desire to help them as remnants of some of the tribes of Israel, resulted at least in greatly improving the relations between Indians and whites generally. Among those prominent in this Indian missionary service was Elder Anthony W. Ivins, already mentioned in connection with his activities in the Mexican Mission, later, 1907—October—made one of the twelve apostles, and now, 1930, first counselor in the presidency of the church. In 1878, in company with the venerable apostle and Utah Pioneer, Erastus Snow, Elder Ivins performed a mission to the Navajo and Pueblo Indians in Arizona and New Mexico.<sup>23</sup> In this same year, Llewellyn Harris visited a village of the Zuni Indians in New Mexico. "About four hundred of these Indians who were suffering with the smallpox were healed under his administration."<sup>24</sup> Among others that were active among the Arizona and New Mexico Indian tribes was Wilford Woodruff, of the council of the apostles. He was assisted by Major Lot Smith and Ira Hatch; also by Elders Ammon M. Tenney and Peter C. Christophersen. Reporting his labors during 1879-80, at the preliminary meetings to the general church conference of April 6th, 1880, Elder Woodruff said:

WILFORD WOODRUFF'S REPORT OF LABORS AMONG THE INDIANS

"I spent a good deal of my time last season—1879-80—in visiting our Lamanite brethren, the American Indians, and I will here remark that while in Apache county I learned it was reported that the 'Mormons' were accused of having supplied arms to the Utes who have been at war with the whites, and that we urged them on to fight."<sup>25</sup>

23. *Latter-day Saint Biographical Encyclopedia*, art. A. W. Ivins, p. 311.

24. *Jenson's Church Chronology*, Jan. 20th, 1878.

25. This has reference to the Ute outbreak at the White River Agency in Northwestern Colorado, 1879; when what is known as the "Meeker Massacre" took place, and Major Thornburgh's command of United States troops but narrowly escaped annihilation. (See *Deseret News*, weekly, of Jan. 14, 1880). The occasion of the uprising was misunderstanding of the terms of the Ute treaty by the Indians, intrusion by white men upon the reservation, notice, in effect, to the Indians that they must move elsewhere. (See also Interview with Hon. George Q. Cannon in *Chicago Tribune*, Washington correspondent, Jan. 7th, 1880, quoted in *Deseret News*, weekly, of Feb. 11, 1880. See Bancroft's *History of Colorado*, pp. 470-481. For leading United States Journals discrediting "Mormon" complicity with the Ute uprising see *Chicago Inter-Ocean*, *St. Louis Globe Democrat* and *Omaha Herald*, quoted in *Deseret News* of Dec. 10th, 1879).

A greater libel than this was never perpetrated. The Latter-day Saints have done more to bring the American Indians [i. e. in the locality referred to], to peace than all the efforts of the United States put together. Until the elders of Israel went among the Indians no man's life was safe, no matter who he was; but since we have been amongst them they are the friends of the white man; they are peaceable; many of them have turned their hearts to the cultivation of the earth, and today many tribes of them will not steal the cattle and the horses of the white men. We have become acquainted with many of the tribes in that part of the country, [i. e. in Arizona and New Mexico]. We have had many opportunities of becoming acquainted with both the Navajoes and Apaches, who have been wandering, warlike tribes, and no white man's life or scalp was safe with them until the 'Mormon' elders went among them and taught them the gospel and peace and the benefits of cultivating the earth. Now any white man can go among them in safety, if he will behave himself, attend to his own business, and not interfere with the families of the Indians. This will apply to the Navajoes and Apaches, with the exception of a remnant of Apaches who are not under the control of Petrone and Pedro, the war and peace chiefs, [respectively]. This remnant, under Vutone, is still on the war path. The Navajoes return to the whites any strayed or stolen horses or cattle. The Navajoes visit the 'Mormon' settlements in peace, where they are fed and treated kindly, taught to cultivate the earth, and instructed in the principles of peace and to prevent war. 'We have visited the Oribas, Moquis, Zunis, Lagoonis, and Islatas.'

'The Islatas,' continued Elder Woodruff, 'have their own laws, rules, and regulations such as courts, police, etc. They are a wealthy people, and stand at the head of many of the surrounding villages. They have traditions among them concerning their past and future history, which they are looking for the fulfillment of. Their record gives a history of their final restoration to civilization, industry, prosperity and the gospel of Christ, and their deliverance from oppression and war. This must be the future destiny of a remnant of them, or the promises of their forefathers must fall unfulfilled.' ''<sup>26</sup>

Elder Woodruff also mentions three other villages he and his associates visited, viz., Hano, Cheehomva, and Walpe, the last named had about one thousand inhabitants. The Islata village, about twelve miles south of Albuquerque, he reported as having three thousand population; also that Elder Ammon M. Tenney had visited this village three years before; also Elder Tenney had assisted in baptizing one hundred and fifteen Zuni Indians.

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26. *The Jubilee Conference*, pamphlet, 1880, pp. 11-14.

## INDIAN MISSION IN IDAHO AND WYOMING

A few years later, 1883, an important Indian mission was performed among the tribes in the northwest, by Moses Thatcher, Bishop Preston and others. "They traveled *via* Beaver canon, [eastern Idaho, *en route* to Jackson's Lake, Wyoming] the Yellowstone river, and across the Stillwater and Rosebud rivers, visiting the Crow Indians of the latter place, delivering to some of the chiefs the message of peace and advising obedience [i. e. to the United States government] and industry. They crossed the country mainly on an Indian trail to the Wind river, Washakie agency, where a council was held and similar advice given to the leading men. The party returned in September, having traveled some twelve hundred miles."<sup>27</sup>

Thus the church sought in this period of apostolic presidency not only to extend the borders of Zion by the establishment of new settlements, the founding of new stakes of Zion, and the strengthening of those already founded, but in doing this part of the work they also coupled with it the performance of their mission of mercy and peace to "the remnants of the land," the tribes of American Indians, with whom their colonizing activities brought them in contact.

FIFTY YEARS OF THE NEW DISPENSATION—THE JUBILEE  
CONFERENCE

The crowning glory of this period of apostolic presidency over the church was realized in the semi-centennial annual conference of the church, begun on the sixth of April, 1880; but which was preceded by two days preliminary meetings—4th and 5th of April—held in the Assembly Hall, Salt Lake City, and which were no less interesting and quite as important as the meetings of the regular conference held in the great tabernacle. The preliminary meetings were really part of the conference, a fact evidenced by the full report

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27. *Latter-day Saint Biographical Encyclopedia*, art. Moses Thatcher, p. 135.

of the meetings being included in the published report of the great Jubilee Conference.

All the members of the presiding quorum of the church—the twelve apostles—were present, except one, George Q. Cannon, who was in Washington, as delegate from Utah to the national congress. One of the features of the conference was that each of the apostles on the closing day of the conference—the third day—bore solemn testimony to the divinity of God's great Latter-day Work—the coming forth and verity of the New Dispensation of the gospel of the Lord Jesus Christ and the divinity of the mission of the Prophet Joseph Smith. Only one of the members of the original quorum of the twelve apostles, organized in February, forty-five years before the Jubilee, was now a member of the quorum. This was the venerable Elder Orson Pratt, who was very active throughout the conference, offering the opening prayer and delivering two addresses, during the meetings. He was identified with the whole history of the church; with all its principal colonizing movements; with most of its missionary operations.

"It is a great delight to me," said he, in one of his conference addresses, "to look forth upon the large congregations of the Latter-day Saints who are assembled from time to time in these mountains, in the capacity of a general conference. In all these assemblies and conferences I remember the early rise of this church. I remember when we were a small people, when we could assemble ourselves in a very small room, and that in general conference. I remember the first conference that I attended, on the 2d day of January, 1831, consisting perhaps of some seventy or eighty members in all, assembled in the house of Father [Peter] Whitmer, [Fayette, Seneca county, N. Y.] whose sons were chosen to be especial witnesses in relation to this great latter-day work. I remember our trials, our difficulties, our gathering, our persecutions, our afflictions, more or less, from that day until the present time. Then I was but a boy nineteen years of age; now I am over sixty-eight, and in a few months more, fifty years will have passed over my head since I was first baptized into this church. How thankful I ought to be that I am still living! How thankful I ought to be that I am still numbered with this people. How thankful I ought to be that I have the opportunity and privilege of administering in your public congregations, preaching the words of eternal life, lifting up my



voice in humble testimony concerning the great work which the Lord our God has been doing during the last fifty years."<sup>28</sup>

But two of the original first council of seventy survived as members of the council. These were Joseph Young, brother of the late President Brigham Young, and Levi W. Hancock. Both participated in the conference.

#### THE SPIRIT OF JUBILEE—THE BURDENS LIGHTENED

The discourses delivered during the conference were spirited, hopeful, and breathed assurances of the triumph of the work of God, and prophetic of future achievement that should be larger than in the past. But more important than what was said, was what was done at this conference. The church authorities acted in the spirit of the old Israelitish Jubilee,<sup>29</sup> if not precisely in its form and letter. In the first place there was an accumulated indebtedness on the part of the community to the Perpetual Emigration Fund of \$704,000 in principal; with accumulated interest of \$900,000; the whole amounting to \$1,604,000. One-half of this sum, \$802,000, was stricken from the account, and forgiven to the poor who had been struggling with the difficulties of life, and who had not been able to meet their engagements to the fund. "Not half the amount that was due by them,"

28. Minutes of Jubilee Conference, in *Collection of Church Pamphlets*, Historian's Office, vol. 66, p. 21.

29. The old Israelitish "Jubilee" "got its name from the fact that the beginning of the year was announced by the blowing of a trumpet on the day of Atonement. In it land which had changed hands, except in non-Levitical walled cities, reverted to the family to which it belonged at the original settlement; and all bond men of Israelitish birth were set free." (*The Cambridge Bible Dictionary*, art. Jubilee). "It was to be a remedy for those evils which accompany human society and human government; and had these laws been observed, they would have made the Jewish nation the most prosperous and perfect that ever existed. The Jubilee tended to abolish poverty. It prevented large and permanent accumulations of wealth. It gave unfortunate families an opportunity to begin over again with a fair start in life. It particularly favored the poor, without injustice to the rich. It tended to abolish slavery of the poorer Hebrews themselves; and it greatly mitigated it while it existed by removing at once the terrible incubus of a lifelong bondage, with its accompanying hopelessness. \* \* \* Though very little is said about its observance in the *Bible* history of the Jews, yet it is referred to and was no doubt observed with more or less faithfulness, till the Babylonish captivity." (*International Bible Dictionary*, art. Jubilee).

explained President Taylor, "but the whole;" and to those who are forgiven the debt, it will be blotted out, and the remainder will be left to those to pay who are able to and have not done it. "And we shall expect that those who have not met their engagements," said he, "to meet them; \* \* \* for in former times they did not release the rich (from debt), it was the poor." This was carried into effect by the local authorities in the respective wards and stakes designating the parties worthy to be forgiven their debt to the fund.

There had been an acknowledgment of tithing indebtedness by persons at different times who had not been able to pay the tithes when due, or who thought they were not able to pay at the time, and accounts had been entered on the books against them according to their acknowledgment of such indebtedness. These accounts amounted to \$151,798. It was proposed that one half of this sum, \$75,899, be relinquished to those unable to meet their several accounts, and who were worthy people. "Those that are really worthy may be released," said President Taylor, meaning thereby to release them to the full amount of their indebtedness, as in the case of the emigration fund; "and those that are not worthy," said he, "ought to pay it."

The year 1879 had been a year of great drouth in nearly all the settlements occupied by the saints, and consequently many had sustained loss of stock as well as of grain and other agricultural crops. It was therefore proposed that there should be a donation of one thousand cows to be distributed among the deserving poor, and five thousand sheep. The church was to give three hundred of the cows, and two thousand of the sheep, the others to be supplied by the respective stakes of Zion according to their means and population, the distribution to be made under the local authorities of the respective wards and stakes.<sup>30</sup> It was stipulated by President

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30. The allotment of the cows and sheep furnished by the church to the respective stakes was as follows: "Salt Lake stake, 60 cows, 424 sheep; Bear Lake stake, 10 cows, 66 sheep; Beaver stake, 3 cows, 20 sheep; Box Elder stake, 16 cows, 108 sheep; Cache stake, 18 cows, 120 sheep; Davis stake, 6 cows, 44 sheep; Juab

Taylor that the cows were to be "young" and "good milk cows;" and the sheep were to be "healthy sheep."

Another calamity occasioned by the drought of 1879, was the scarcity of seed wheat. It was proposed by the conference that the Female Relief Societies of the church, that for some years had been storing up grain against a time of scarcity, should release the 34,761 bushels they had on hand in various parts of the church territory, and loan it to the brethren needing it for seed, the bishops in the respective districts becoming responsible for its being returned to the societies loaning it at the next harvest. "Is it to be loaned without interest," asked a voice from the congregation. "Why of course it is;" answered President Taylor, "we don't want any nonsense of that kind; *it is the time of Jubilee!*"

As the church had thus been liberal in releasing those indebted to the Perpetual Emigration Fund and to the tithing dues, so were individuals urged to be lenient towards those indebted to them individually. "If you find people owing you who are distressed," said President Taylor, "if you will go to work and try to relieve them as much as you can, under the circumstances, God will relieve you when you get into difficulties. I will tell you that, in the name of the Lord. Let us act on a kind, generous, brotherly principle, doing good one to another and carrying out the principles of the everlasting gospel in our lives."

"Free the worthy, debt-bound brother if you can," said the apostolic circular letter of instructions to the presidents of stakes and bishops of wards, directing them in the management of these several things to be by them carried into effect—"Free the worthy, debt-bound brother if you can. Let there be no rich among us from whose tables fall only crumbs

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stake, 6 cows, 37 sheep; Kanab stake, 8 cows, 50 sheep; Millard stake, 7 cows, 44 sheep; Morgan stake, 6 cows, 40 sheep; Panguitch stake, 5 cows, 30 sheep; Parowan stake, 8 cows, 50 sheep; Sevier stake, 14 cows, 100 sheep; St. George stake, 18 cows, 125 sheep; Summit stake, 12 cows, 75 sheep; San Pete stake, 25 cows, 150 sheep; Tooele stake, 9 cows, 60 sheep; Utah stake, 40 cows, 264 sheep; Wasatch stake, 6 cows, 46 sheep; Weber stake, 23 cows, 147 sheep. Total number of cows 300; total number of sheep, 2,000.

to feed a wounded Lazarus." "We need not remind you," said the same circular, referring to the remittance of delinquent tithing, "that neither favoritism nor prejudice should influence any one in these matters, but only an earnest desire to make the yoke easy and the burden light."<sup>31</sup>

Such throughout was the Christian spirit of this Jubilee Conference, conducted under the apostolic presidency. At the next general conference of the church—the semi-annual conference, held in October, the first presidency was reorganized with John Taylor as president and George Q. Cannon and Joseph F. Smith as his counselors, and the church by then had entered upon another phase of her many-sided experiences.

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31. *The Jubilee Conference*, pamphlet, p. 107. As stated the conference minutes in full, with *verbatim* reports of the discourses, etc., were published in a pamphlet, under the title "*The Year of Jubilee, A full Report of the Proceedings of the Fiftieth Annual Conference of the Church of Jesus Christ of Latter-day Saints held in the large tabernacle, Salt Lake City, Utah, April 6th, 7th, 8th, 1880.*" (*Church Collection of Pamphlets*, vol. lxvi. Also an account of the two days preliminary meetings of 4th and 5th of April. Minutes of the Conference will also be found in *Deseret News* of April 14, 1880; and in *Millennial Star*, vol. lii, Nos. 19, 20. But in the last two publications the discourses are not given in full).



## CHAPTER CLII

POLITICAL EVENTS—UTAH'S GOVERNORS—AXTELL—EMERY—  
MURRAY

POLITICAL events in Utah subsequent to the close of Governor George L. Woods' administration, December, 1874, as related to the history of the Church of the Latter-day Saints, now claim our attention.

### GOVERNOR SAMUEL B. AXTELL

Governor Woods—a pronounced anti-“Mormon,” as will be remembered, was succeeded in office as governor of Utah by Samuel B. Axtell, of California. Governor Axtell arrived in Utah on the 2nd of February, 1875; but his incumbency was to be of brief duration. He was superseded by George W. Emery, appointed on the 8th of June following, so that Axtell held the position of governor of Utah for about four months. His removal from office was not because he was out of favor with the administration at Washington—Grant's, second term—for at the time he was relieved from his position as governor of Utah, Mr. Axtell was appointed governor of the territory of New Mexico,<sup>1</sup> for which place he took his departure from Salt Lake City in mid-July of the year that witnessed his advent into Utah.

Governor Axtell obtained his appointment to the governorship of Utah through the influence of United States Senator Sargent from California. Axtell had lived in California about a quarter of a century; where, for a number of years, he had been “a pick and shovel miner.” Six years he had served as county attorney, in one of the new counties, and afterwards represented one of the most populous districts

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1. See *Washington Press Dispatch*, 8th June, 1875. *Deseret News*, weekly, of June 16th. Also local item, *Ibid*, p. 313. Also *Bancroft's Works*, vol. xvii. *History of Arizona and New Mexico*, pp. 702-3. His term of governor ran from July, 1875, to 1878. He was succeeded by General Lew Wallace. Afterwards, viz., in 1882, he was appointed chief justice of the territory.

of the state in congress for two terms.<sup>2</sup> Here he formed a close friendship with Captain Wm. H. Hooper, Utah's delegate in congress, at the time; and became both interested in, and informed respecting Utah affairs.

When he arrived in Utah he was met by Captain Hooper and a party of friends in a special car at Farmington, and escorted to the city. He came to the territory at the time the McKean judicial crusade was at its height, and when anything like conservatism in relation to Utah affairs was out of the question; for no sooner was such a disposition manifested than it evoked the most violent attacks from the anti-"Mormon" "ring" and its organ, the *Salt Lake Tribune*, which was then supporting the judicial crusade to which reference is made above. In evidence of this it only needs to be pointed out that the fact of Governor Axtell being met by his old friend Captain Hooper, with whom he had served in congress, and by him accompanied to Salt Lake City, as already described, was made cause of offense by the Utah anti-"Mormon" "ringites," and was sufficient to discredit the newly arrived governor with them,<sup>3</sup> and led at once to his being denounced as a "Jack-Mormon"—(i. e., one not a

2. See Axtell's account of himself in a speech at Ogden, Feb. 20th, 1875, *Deseret News*, weekly, of March 3rd, where the speech is given *verbatim*. A burlesque account of the speech is found in *Salt Lake Tribune* for Feb. 21st, 1875.

3. Asked by the *Salt Lake Herald* why the prominent non-"Mormons" of Salt Lake City, and especially why the federal officers were so lacking in courtesy as not to go to Ogden to welcome Governor Axtell on his arrival, the *Salt Lake Tribune*, organ of the anti-"Mormons," including the federal officials, replied that Governor Axtell withheld all knowledge of his movements from his brother officials, "preferring to receive hospitality from a prominent Mormon [i. e. Captain Hooper], and his friends. \* \* \* They have too much self-respect to run a breathless race with the church leaders in extending hospitality to a man who studiously ignores their existence and was guilty of the gross breach of official etiquette of communicating with a Mormon ex-delegate, who championed polygamy in the halls of congress, instead of making his movements known to the secretary of the territory and then acting governor." (*Salt Lake Tribune* of Feb 10th, 1875). A month later, when Judge McKean sentenced Brigham Young to one day of imprisonment for alleged contempt of court, and a petition was circulated asking that the governor exercise executive authority and release him, the same anti-"Mormon" organ said: "Whether the document reached the Axtellian office or not, we cannot say, but the petitioners received the information from a reliable source that the favor asked for is one of the few things which the *Prophet's Jack* [meaning Governor Axtell] has not the power to grant, any more than he can drag down the Christian women of Utah to the level of 'best society' [i. e. 'Mormon' society]. So the pardon scheme collapsed." (Editorial, *Salt Lake Tribune* of March 13th, 1875).

member of the church but in sympathy with the "Mormons").

The governor's first official act brought down upon him a storm of vilification and denunciation that can only be characterized as outrageous. It was the law of the territory at the time, respecting elections, "that so soon as all of the returns are received, the secretary, in the presence of the governor, shall unseal and examine them and furnish to each person having the highest number of votes for any territorial office, a certificate of his election."<sup>4</sup> In the election of November, 1874, both Governor Woods and Secretary Black refused to perform this function and give a certificate of election to Hon. George Q. Cannon. They presumed to go beyond the election returns and the mandatory clauses of the statute and pass upon the qualifications of the candidate, as to his citizenship and eligibility. They refused to give Mr. Cannon a certificate on the plea that "no proofs could be produced of his citizenship, and because of reported frauds at the late election."<sup>5</sup> Governor Axtell, however, when appealed to, gave the certificate of election to Mr. Cannon.<sup>6</sup> Commenting upon this act the *Salt Lake Tribune* said:

"If Governor Axtell has any more surrenders to make to his loving brethren of the Church of Jesus Christ of Latter-day Saints, we would advise him to be quick about it. These cursed Gentile courts with their perverse addictions to the enforcement of the law will be apt to step in and spoil his little game \* \* \* Sargent [United States senator from California] procured Axtell's appointment as governor to build up the dilapidated walls of the kingdom. His excellency has set up one stone but it won't stick."<sup>7</sup>

4. *Compiled Laws of Utah, 1876, Title III of Elections, etc.*, chapter i, section 25.

5. *San Francisco Chronicle*, special dispatch, Feb. 5th, 1875, quoted in *Deseret News*, weekly, of Feb. 10th.

6. *Deseret News*, weekly, of Feb. 10th.

7. *Salt Lake Tribune* of Feb. 11th, 1875. The comment on this act continued through a number of editorials in which such statements as these occurred: "One of the conditions agreed upon by Mr. Axtell with delegate Cannon and his corrupt and venal patron [United States Senator] Sargent, as the price of office, was that his first official act on his arrival in Utah should be to issue his certificate to the alien churchman and mail it to him at Washington. \* \* \* We require no further evidences of Governor Axtell's hostility to the cause of progress in Utah and the best interest to its citizens. He may show his perverse tastes by surrounding himself

Yet Governor Axtell could not be regarded as an especially pro-"Mormon" governor. He simply aimed to be an impartial one; and, as he often expressed it in public speech and otherwise, "his interpretation of the duty of a governor was to be the governor not of a part, but of the whole people."<sup>8</sup>

In a speech delivered at Ogden shortly after his arrival in the territory he said:

#### AXTELL'S VIEWS ON THE PURPOSE OF GOVERNMENT

"I come to Utah, appointed by the government of the United States as the chief executive officer of the territory; and so far as I am capable of judging of my own motives, and so far as I know my own determinations, I have not come as the favorite of any particular faction or set of men. I am determined to be a governor, not of a section, but of the whole people. Whether I can win your love or friendship, I do not know; but I intend to try to do my duty, and I believe that I can act so as to deserve the respect of all good men and women of this territory.

There are certain great, cardinal principles which should guide the politics of the nation. Among these are the right of local self-government; the idea that governments are instituted amongst men for the good of the governed; that governments derive all their just powers from the consent of the governed; that they are expected to aim to make men and women happy, to preserve life and property and personal liberty; that for this purpose governments are instituted, and that they are worthless if they fail to accomplish this end; that we owe, all of us, obedience to the law, and allegiance to the government. And allow me to say that as a representative of the federal government of this country, I earnestly believe that it is for the good of every man, woman, and child of this territory, and in all the United States, that the laws of the land should be strictly obeyed; and I have that confidence in the great man who presides at Washington to believe that he will

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with the Nauvoo Legion on his arrival in this territory [this because General Wells, then mayor of the city, and John R. Winder, were of the Hooper party that met the governor at Farmington and accompanied him to the city—they had been officers of the Nauvoo Legion], he may utter his stale platitudes about the persecution of the innocent Mormon leaders; \* \* \* but when he hastens to abuse the power unwisely committed to his hands and before the dust is brushed from his garments by commissioning men whose lives are notoriously flagitious, and whose avowed purpose is to maintain and perpetuate ecclesiastical rule, we candidly inform the gentleman that such official turpitude will not be calmly submitted to, and that he will excite a feeling in the minds of the loyal citizens of Utah which will render the political atmosphere so warm as to be uncomfortable." (*Tribune* of Feb. 12th, 1875). Such attacks, only worse, continued so long as the governor's brief term of office in Utah lasted.

8. *Deseret News*, weekly, of July 28th, 1875, speech at Ogden on leaving the territory for his new post of duty in New Mexico.



see the laws enforced, and the law officers and their courts sustained, and their decisions carried into effect, whether in Louisiana or Utah, if it requires that a soldier should stand on every square foot of land in this territory. The laws must be obeyed.

It is well understood what I mean. There is, in this country, perfect toleration for the religious sentiments of all men, and freedom to worship God according to the dictates of their own consciences, in obedience to the law. I mean the written law, the law enforced by the courts, that bears equally upon all, that knows no favoritism and no distinction."<sup>9</sup>

The plain allusion here to polygamy and the enforcement of the existing laws against it, precludes the idea that Governor Axtell had any intention of condoning that statutory offense, or of championing the "Mormon" view of things in any partisan spirit. Yet because he would not unite with the "ringites" in their anti-"Mormon" crusade, they heaped opprobrium upon him to the extent of their vicious abilities, and these were not lacking in either evil scope or power.<sup>10</sup>

When General Garfield made a visit to Utah during the brief incumbency of Mr. Axtell as governor, and was the guest of the latter and some prominent churchmen, when the governor accompanied the general to Ogden the *Tribune* in a news item under the caption—"Lost Their Man"—said:

"Bishop Axtell at the command of his Master Brigham, accompanied General Garfield, to see the stalwart Babylonian fairly on his way homeward. The shrewd statesman (Garfield) allowed himself to be dined and wineed by the gushing Mormon priesthood, including

9. From *verbatim* report in *Deseret News*, weekly, of March 3rd, 1875. This speech was sneeringly and inadequately reported by the *Salt Lake Tribune*, see impression of Feb. 21st, 1875.

10. As the *Deseret News* said, when a press dispatch announced that Axtell had been superseded, and referring to the anti-"Mormon" ring—"They have misrepresented him without stint, lied about him shamefully and persistently, and announced from the first their intention of effecting his removal if possible. The sole reason for all this vicious and brutal opposition was that he did not rush eagerly into their open arms, he hail fellows well met with them at once, and with gusto swallow all their lies about the 'Mormons,' and adopt the violent, bitter, and baseless prejudices of the 'ring' against them. Because the governor dared to meet some of the prominent church leaders socially, his detractors said: 'Governor Axtell finds himself received by the polygamous saints, but in his efforts to harmonize the two religious elements has been spewed out with nausea by Gentile society. No man can serve two masters, neither can the sons of darkness be found worthy to mingle with the children of light.'" (*Salt Lake Tribune*, editorial, May 27, 1875).

the latest acolyte, Bishop Axtell; but he kept his eyes open and goes back home with a pretty clear comprehension of the whole unclean outfit. The hook they designed to fix in his jaws missed its hold and the victim failed to reach the basket."

So the abuse continued to the end, for when announcement of Axtell's removal came, the organ of the "ringites" went into hysteric delight expressed through display headlines in their organ, the *Salt Lake Tribune*.<sup>11</sup> They are reproduced here as showing the spirit of the times—the bitter spirit in which the controversies were carried on:

*"Utah Relieved from the Great Incubus at Last.  
Axtell Removed and George W. Emery appointed Governor.  
The 'Bishop' to take a Mission to the Land of the Greaser."*

And on the local page these were the headlines:

HALLELUJAH!

*"Bishop Axtell to step down and aside!  
The Federal Government has not yet abandoned us.  
The chief obstacle to Utah's Progress obliterated.  
Now let the Glorious Work go on with Renewed Vigor.  
There's Millions in it for the citizens of Utah.*

REJOICE! REJOICE! REJOICE!"

GOVERNOR GEORGE W. EMERY—GRANT APPOINTEE

The fortunes of Governor Axtell much improved in New Mexico, where both as governor of the territory and chief justice, he was very satisfactory. He had a very honorable career, and is spoken of in the *History of New Mexico* as a man of high principles and absolutely without fear.<sup>12</sup>

It was said by the Washington correspondent of the *New York Herald*, that Mr. Axtell was made governor of Utah "with the understanding that he would carry out the president's [Grant's] policy with regard to Mormonism," that subsequently his "official course indicated that he was directly oposed to the president's policy," and consequently he

11. *Salt Lake Tribune*, June 9th, 1875.

12. See *Leading Facts of New Mexican History*, vol. ii, p. 419, where an extended biographical note and character sketch is given of Governor Axtell. The work is written by Ralph Emerson Twitchel, vice president of New Mexico Historical Society, 1912, two volumes.

was removed to make room "for one who, this time, is known to be in accord with the president in the government of the Mormon territory;" and that as governor, Mr. Emery "will undoubtedly be supported by the administration as its exponent in the conduct of the affairs of the territory of Utah."<sup>13</sup> This statement so far as it relates to Mr. Emery is supported by what that gentleman said to Mr. Orson F. Whitney, who declares in his *History of Utah* that Governor Emery while on a visit to Utah in 1893 stated to him that his course in Utah as governor was conformable not only to his own feelings, "but to advice given him by President Grant while at Salt Lake City." "The president had transferred Governor Axtell to Arizona," continues Whitney, "to appease the clamor of the anti-'Mormons,' but it was not his wish that Axtell's successor should take them as his advisors. 'Deal justly between man and man, avoiding all extremes' was the substance of Grant's counsel to his friend."<sup>14</sup>

This represents quite a different Grant from the bitterly prejudiced, Parson-Newman-dominated Grant of a few years before, and gives warrant to full belief in the statement of Governor Emery—before noticed in these pages<sup>15</sup>—that Grant considered after his visit to Utah, that he had previously been deceived by his advisors in respect of Utah conditions.

Governor Emery undoubtedly followed the advice of President Grant in his administration of Utah affairs: for while in his social intercourse he mainly consorted with the Gentile element, he refused to join in any crusade against the Church of the Latter-day Saints, and the territory had a period of comparative peace during his administration. In his two biennial messages Governor Emery recommended a number of practical legislative measures respecting the improvement of the irrigation, education, and election laws; also as to civil procedure and a criminal code, compilation of

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13. The *New York Herald* quoted in *Deseret News* of July 7th, 1875

14. Whitney's *History of Utah*, vol. iii, p. 118, note.

15. See chapter cxlvi.

the laws of the territory, etc.<sup>16</sup> Some of these suggestions were acted upon, resulting in a very great improvement in the civil affairs of the territory.

#### BENEFICIAL LEGISLATION

Among the beneficial laws enacted were the amendments to the election laws, by which the markings of ballots was abolished, and the absolute secret ballot secured. The old law, in operation since 1853, provided that when a voter presented his ballot neatly folded to the judge of election, the judge should "number and deposit it in the ballot box;" "The Clerk," said the law, "shall then write the name of the elector, and opposite it the number of his vote." This, on the part of the framers of the law, and those who in later years accepted their views, was in the interest of the honesty of elections, since in the event of a contested election it would be possible to ascertain if the votes cast were the votes of bonafide electors—a thing held to be necessary where there was always so large a transient population as in Utah, owing to its being the half-way halting place for emigrant trains during the pre-railroad period.<sup>17</sup> On the other hand, it was held that the marked ballot system was regarded as "Espionage, enabling the officer of the election, if so disposed, to tell how each person voted." It was also urged that the right of suffrage should carry with it "the right to exercise that suffrage \* \* \* without the possibility of being called to account for his choice of candidates, or experiencing unpleasant consequences." So argued Governor Emery in his message of January, 1878, before cited. Two years before, when urging the adoption of the secret ballot, and referring to the old ballot-marking law, he said: "This law is regarded as inimical to republican government, and in the interest of the church, so potent in Utah, and leaves its members no choice

16. The governor's first message, in full, Jan. 11th, 1876, will be found in *Deseret News*, weekly, of Jan. 19th, 1876; and his second message, Jan., 1878, is published in full, *Deseret News*, weekly, Jan. 23, 1878.

17. Editorial in *Deseret News*, weekly, of Feb. 27, 1878.



but to vote the ticket prepared for them. I recommended the law be so amended as to secure a secret ballot."<sup>18</sup> The passage of the new law disarmed criticism both within and without the territory. Minority party representation among the judges of election was provided for, and also the preelection registration of voters, (1878).

During Emery's term of office a civil practice act was passed (1876), also a new penal code (1876). In respect of the penal code, because Governor Emery approved it, he was quite generally berated by the press of the country as he was accused by his enemies with having been a party to the repeal of the law "punishing adultery, seduction, fornication and lewd and lascivious cohabitation"—the local law under which McKean *et al* had tried to punish men for polygamous cohabitation (with what result has been already seen).<sup>19</sup> The facts in the case were that a penal code was adopted from the California statutes, but few changes being made in that text, and the new act receiving the approval of leading lawyers in Utah, Gentiles as well as "Mormons," it was passed by the legislature and approved by the governor. But it did repeal the old statute referred to, hence the outcry against Governor Emery. Of course the new law defined and punished such sexual crimes, lewdness and indecency as the California statute provided for. Among these are named crimes against the person and against public decency and good morals; these are grouped in Title IX., and treat of rape, abduction, carnal abuse of children, seduction, abortion, the crime against nature, indecent exposure, obscenity, prostitution, houses of ill fame, offenses against public morals; but it must be conceded that in express terms there was no specific clause against adultery, incest, or fornication.<sup>20</sup>

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18. *Deseret News*, weekly, for Jan. 19, 1876.

19. Chapter cxi, this *History*.

20. *Compiled Laws of Utah*, 1876, Penal Code; and *Deseret News*, weekly, editorial, Dec. 24, 1879.

## PROPOSED MEASURES AGAINST POLYGAMY

In both his biennial messages Governor Emery urged the passage of legislation against polygamy, but in this he could get no support from the representatives who believed in the rightfulness of the principle and practice which they were asked to legislate against and make a crime. He approached the subject with a frank appreciation of its difficulties. In his message of 1876, when making his recommendation on this head he said:

"I am sensible how delicate my duty becomes under existing circumstances, when the gentlemen whom I have the honor of addressing, with a single exception, believe in and many practice it [i. e. polygamy] from a sense of professed religious right. It appears to me and must be apparent to all, that the law should be expunged from the statutes, or made operative. It will be gratifying, if this body shall enact such legislation as will prevent its extension, and will adopt such measures as look to a fair and impartial settlement of this subject, as it affects the past. We should remember gentlemen, that Utah is not a secluded portion of the United States, that this territory was acquired from a foreign power, like other parts of the country, with money, and by the valor of American arms, that the distance and the deserts have been annihilated by the construction and operation of the Pacific railways that today we are as much an integral part of this great republic as any other section, and that we are bound, as good citizens, to obey the laws of our common country, whether they are in accordance with our views of justice or not, otherwise we ignore the constituted authority, and place ourselves beyond the pale and protection of government."

It will be observed that the governor in this kindly expressed, and beyond doubt, well meant message, ignores the American principle of the right of community self-government, and the right of the free exercise of religion, and the decision of the supreme court of the United States, had not, as yet, handed down its decision upon that subject as related to the practice of the Latter-day Saints of plural marriage.<sup>21</sup>

## THE TRIAL AND EXECUTION OF JOHN D. LEE

It was during Governor Emery's administration that

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21. The message in full will be found in the *Deseret News*, weekly, of January 19, 1876. This message bore the date of 11th Jan., 1876. His second message, dealing with the same subject, Jan., 1878. The decision of the supreme court in the Reynolds cases is dated Jan. 6, 1879.

both the first and second trial of John D. Lee for participation in the Mountain Meadows Massacre, took place; also his execution for his part in that crime. The first trial began in the 2nd judicial district, at Beaver City, southern Utah, on July 23rd, 1875, Jacob S. Boreman, judge. The trial had been set for the 12th of that month originally, but owing to the absence of some witnesses, and also owing to the fact that the accused man had promised to make a full confession and thus turn state's evidence, the trial did not begin until the date given above. It is said that in this confession the prisoner detailed minutely the plan and circumstances of the crime; but he traced the source of it to no higher authority in the "Mormon" church, than to the local leaders of the church in Iron county, John M. Higbee and Isaac C. Haight. He represents both as taking a prominent part in the tragedy, which he declared was committed in obedience to "military orders." The "confession" was a great disappointment to the prosecution, since it involved none of the higher and general officials of the Church of the Latter-day Saints, whom the prosecution assumed were guilty of issuing the orders for the massacre.<sup>22</sup>

22. "The last was the very point that the prosecution desired to establish, its object, compared with which the conviction of the accused [John D. Lee], was but a minor consideration, the real purpose being to get at the supposed inner facts of the case. The district attorney refused therefore to accept the confession, on the ground that it was not made in good faith." (Bancroft's *History of Utah*, p. 565. See also Baskin's *Reminiscences*, ch. x). Mr. Baskin assisted Prosecuting Attorney William C. Carey, who was United States district attorney for Utah at the time, and it is quite clear from the chapter, of the *Reminiscences* here cited, dealing with the massacre and Lee's trials, that the chief effort of the prosecution at the first trial was to implicate Brigham Young in the perpetration of the crime. "Excerpts of Lee's Confession" referred to above and rejected by the prosecution, appears in *The Lee Trial*, published in Pamphlet form by the *Salt Lake Tribune* reporter, 1875. Also in the *San Francisco Call* of July 21st, 1875; and the *San Francisco Bulletin*, same date. Bancroft says that *The Lee Trial* by the *Tribune* reporter, seems "unduly anxious to cast the onus [i. e. of responsibility for the tragedy] on the first presidency [i. e. of the 'Mormon' church]." (See *History of Utah*, p. 565, note 47). Lee after his conviction and while awaiting the execution of his sentence made another "confession," which was intrusted to one of his attorneys, W. Bishop, for publication. After Lee's execution it was published under the title, *Mormonism Unveiled*, M. E. Mason, publisher, St. Louis, 1891. It is an autobiography and covers the whole of Lee's life up to the time of his death, and includes his account of the massacre. It is a volume of 413 pages. The publishers state that several pretended *Lives and Confessions of John D. Lee* had been published, but claim that theirs, the *Ms.* of which was obtained from Mr. Bishop, is the only genuine one. (pp. v, vi. See also Introduction by Bishop).

The jury at the first trial was composed of eight "Mormons," three non-"Mormons" and one "Jack-Mormon." The jury disagreed,<sup>23</sup> and Lee was remanded for a second trial. This began on the 13th of September, 1876, and continued until the 20th, Judge Boreman again presiding. The prosecuting attorney at this trial was Sumner Howard, assisted by Presley Denney, deputy United States attorney. Lee was represented by Wells Spicer, J. C. Foster, and W. W. Bishop.<sup>24</sup>

The attitude of the prosecution was changed at the second trial of Lee. The United States district attorney, Sumner Howard, in opening the case before the court declared it to be his intention "to try John D. Lee, and not Brigham Young and the Mormon church, who were not indicted. He intended to try John D. Lee for acts committed by Lee personally."<sup>25</sup> The jury selected was composed entirely of members of the Church of the Latter-day Saints.<sup>26</sup> The evidence was convincing, the defense submitted no testimony; and when the case was submitted to the jury, after more than four hours' deliberation, they brought in a verdict of guilty of murder in the first degree.<sup>27</sup> The court over-

23. Baskin declares that the three Gentile jurors voted for conviction, that the "Jack-Mormon" and the eight "Mormons" voted for acquittal, (*Reminiscences*, p. 138).

24. In the list of attorneys for the defense at the first trial of Lee, it is represented by Baskin that Messrs. Sutherland and Bates were "attorneys for the first presidency," and cites in evidence that Mr. Bates later employed him to bring suit for the collection of fees due to his firm (\$5,000). The claim being thrown out on demur proceeding, Bates instructed Baskin to bring suit against Brigham Young for the amount alleged to be due; but before the suit could be planted, "I ascertained," says Mr. Baskin, "that he [Bates] had entered into a written marriage contract with a 'doctress' and they had left the territory." (*Reminiscences*, p. 114). Since the church or its leading officials, were the parties really attacked in that first trial, it could not be out of place for them to be safeguarded, at least, by the presence of counsel at the trial. Bancroft also says that "Sutherland and Bates represented the first presidency." (*History of Utah*, p. 565, note 46).

25. Report of the second Lee trial in *Deseret News*, weekly, of Sept. 20, 1876, p. 544.

26. Their names are as follows: Wm. Greenwood, John E. Pace, A. M. Farnsworth, Stephen S. Barton, Valentine Carsen, Alfred J. Randall, James S. Montague, A. S. Goodwin, Ira B. Elmer, Andrew A. Correy, Charles Adams, Walter Granger." (*Deseret News*, weekly, of Sept. 20, 1876, p. 544; also see *Mormonism Unveiled*, p. 302, et seq.).

27. A full account of the trial will be found in *Deseret News*, weekly, of Sept. 20th and 27th respectively, 1876.



ruled a motion for a new trial. The case was then appealed to the supreme court of the territory and argued by Hon. Frank Tilford and Sumner Howard for the people, and by W. W. Bishop for Lee. The courts sustained the judgment and sentence of the trial court, and directed said court to fix a day for carrying the judgment into effect. The prisoner chose shooting as the method of his execution—the law of the territory granting to those condemned to capital punishment the choice of execution by hanging or shooting.<sup>28</sup> The court fixed the 23rd of March, 1877, as the day for carrying out the sentence. To make the execution as spectacular as possible it was determined by the United States officials to carry out the execution on the site of the prisoner's awful crime, the Mountain Meadows. Accordingly on the day fixed by the court, he was taken to this place; and in the presence of a military guard, and a number of United States civil officers he was shot to death, and thus paid the penalty of his crime, so far as suffering the penalty of death could pay it.<sup>29</sup>

The awful crime committed at Mountain Meadows, has been already fully considered in these pages (Chapters c, ci) and precludes the necessity of further treatment here.

#### GOVERNOR EMERY HONORED BY THE STATE LEGISLATURE

To the people of Utah, all things considered, George

28. See *Compiled Laws of Utah*, 1888, vol. ii, Title vii, of *Judgment and Execution*, chapter i, sec. 5131. The same privilege is carried over into the state law. (See *Compiled Laws of Utah*, 1907.)

29. In the *Denver Republican* of 30th April, 1882, appears a long article by former United States district attorney for Utah George C. Bates, in which he alleges that up to the last moment arrangements were made for the escape of Lee from execution. He alleges that arrangements were made for Lee to make a confession that would implicate the "Mormon" church leaders; that a "fake" execution was to be performed, the executors firing blank cartridges and Lee after a mock burial was to be allowed to escape. Bates it seems had fallen into intemperate habits in the later years of life, and deteriorated in character. His slanderous inventions about the escape of John D. Lee from execution by the connivance of the United States marshal, William Nelson, *et al*, was promptly refuted by Mr. Nelson in a letter to the *Denver Republican* on the 3rd of May, 1882. He declares the Bates article to have been grounded on personal malice, and unworthy of belief; and rebukes the editor of the *Republican* for publishing "such scandalous and baseless charges against anybody on such worthless authority." (Mr. Nelson's letter will be found in *Deseret News*, weekly, of May 24, 1882. Yet in the *Hand Book on Mormonism*, published in 1882, by Conyer, this same man, Bates, then debauched and fallen, is quoted as to social conditions among the "Mormons." See *Hand Book on Mormonism*, p. 22).

W. Emery was a satisfactory governor; but to the anti-"Mormon" party he was not sufficiently pronounced in support of their opposition to the Church of the Latter-day Saints, and though a candidate to succeed himself as governor of Utah he failed to secure the appointment. The Utah legislature in compliment to him, and after the close of his term of office, named Emery county in his honor.<sup>30</sup> "An honor and mark of respect," said the *Salt Lake Herald*, "bestowed upon none of his predecessors. This little courtesy is significant as showing that the efforts of a federal official here to do right are appreciated."<sup>31</sup>

#### GOVERNOR ELI H. MURRAY

The office of governor of Utah was given to one Eli H. Murray, a Republican of Louisville, Kentucky, who had been more or less summarily removed from the United States marshalship of Kentucky. He was said to be the "handsomest man in the state."<sup>32</sup> There were "forty applicants" for the position a short time before Murray was appointed.<sup>33</sup> He was President Hayes' personal selection, and the appointment was made "against the wishes of every cabinet officer."<sup>34</sup> The matter of complaint against Governor Murray for alleged irregularities in connection with the United States marshalship of Kentucky is effectively considered in a future chapter when Murray's case for reappointment is before congress.

Eli H. Murray who was nineteen years old when the war between the states broke out, joined the Union army

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30. See *Proceedings of Utah Legislature*, 1880. The bill was signed by Acting Governor Arthur L. Thomas, Feb. 12 1880. Castle Dale was made the county seat. Every county is noted as an agricultural and mineral district, rich in natural wealth and resources.

31. *Salt Lake Daily Herald* of Feb. 13, 1880.

32. "Murray is known as the 'handsome man of Kentucky.' He was removed from his position as (United States) marshal of Kentucky." (*New York Tribune*, Washington special dispatch, of Jan. 19, 1880). Referring to his reputation for manly beauty, a Salt Lake paper said: "We trust his excellency will have something more than this to recommend him to the position of governor. 'Pretty men' are not appreciated in the west." (*Deseret Evening News*, Jan. 20, 1880).

33. *Salt Lake Herald*, Dec. 12, 1879.

34. Washington Special to *New York Tribune*, cited above, note 32.

as a private, but rose rapidly in the service until at the close of the war he had reached the rank of brigadier general. He had served six years as United States marshal of Kentucky; and by profession was a lawyer. Accompanied by his wife and two children the governor arrived in Salt Lake City on the last day of February, and the next day took the oath of office before Chief Justice Hunter.

The people of Utah were not left long in doubt as to where Governor Murray would stand in local Utah controversies. Indeed there never was any doubt from the time the circumstances attendant upon his appointment were known. The fact was that President Hayes had personally determined upon a hostile policy towards the Church of the Latter-day Saints, one more result of that fierce anti-"Mormon" agitation of the late "seventies" already noticed. That such was his determination became evident when in his message to congress in December following—1880—he made such recommendations of special legislation for Utah as made all other procedure in respect of the "Utah" or "Mormon" question pale into insignificance. This was nothing less than the abolishment of the territorial government and the substitution of government by a governor and a legislative commission appointed by the president of the United States, and confirmed by the senate; "or a government analogous to the provisional government established for the territory northwest of the Ohio, by the ordinance of 1787. If the territorial government was to be continued then the president recommended that "the right to vote, hold office, and sit on juries be confined to those who neither practice nor uphold polygamy." These recommendations of the message followed a recital of conditions supposed to exist in Utah that justified them. The recital, however, was neither accurate nor just, since it took no notice of the constitutional rights of the Utah community to local self-government, nor of those circumstances which drove the Latter-day Saints to

that defensive policy which gave some color to the charge of "church dominance" in political affairs.<sup>35</sup>

#### PROPOSED CONGRESSIONAL ANTI-"MORMON" LEGISLATION

A fierce anti-"Mormon" spirit was also manifested in congress about this time. In the congressional session of 1879 anti-"Mormon" measures were introduced so rapidly that one trod upon another's heels, so fast they followed. Here in brief, is the record: In the house Mr. Thomas L. Young, on the 2nd of December, introduced a measure the purpose of which was to make plural marriage "a continuous offense." Heretofore it was the polygamous marriage that was declared to be the crime, not the cohabitation following. On December the 15th, Mr. Willits introduced three bills on this same subject. The first provided for the exclusion from juries, in cases of trials for bigamy or polygamy, all persons who practiced that order of marriage, or "*believed in its rightfulness.*" The second Willits bill was similar to Mr. Young's, referred to above, with the addition that in sustaining a charge against any person for polygamous living, no proof of marriage would be necessary; "proof of the mere acknowledgment of the party on trial of the relationship would be sufficient." The third bill provided that no polygamist, nor any person who believes in the rightfulness of that kind of marriage shall be permitted to vote or to hold any political office. "No provision was made for the exclusion from any right or privilege of citizenship of any person who might be living with any number of women *without marriage,*" was the caustic "Mormon" criticism of this bill. Later, namely, on January the 20th, 1880, the same gentleman, Mr. Willits, added yet another bill, prescribing the registration oath to be taken by the applicant for registration, to the effect that he did not practice, or *believe in the practice* of polygamy. It aimed at the disfranchisement of the Latter-day Saints of Utah. In February—the 11th—Mr. Garland

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35. See *Messages and Papers of the Presidents*, vol. vii, pp. 605-6.



introduced in the house a bill which incorporated nearly all the features of the previous bills, but provided for legitimizing of all children, the issue of plural marriages, born "before the first day of November, 1879." On the 10th of December, 1879, Mr. Julius Caesar Burrows introduced an amendment to the Constitution of the United States providing that: "Polygamy shall not exist in the United States or any place subject to their jurisdiction: congress shall have power to enforce this article by appropriate legislation."<sup>36</sup>

#### PRESIDENT HAYES' VISIT TO UTAH, 1880

The recommendation on the part of President Hayes was all the more disappointing because during the late summer of 1880,—September 5th, 6th—the president with Mrs. Hayes, Mr. Ramsey, secretary of war, General Sherman, together with other ladies and gentlemen visited Salt Lake City, and it was hoped that his coming into contact with the people might correct the president's judgment on Utah affairs. It may well have been, however, that this visit, under the conditions prevailing when it was made, and the president's association with the anti-"Mormon" party while in the city—deepened his prejudices, and led to his determination to make the recommendations of his subsequent message to congress.

The arrival of the Hayes presidential party occurred on Sunday, so that on the part both of the president's party and of the people among whom they had come, there were laid the necessary restraints of the day. Still there was a meeting of the president's party by special train of prominent leaders of the Church of the Latter-day Saints, among whom were President John Taylor and wife, Hon. George Q. Cannon, Utah's delegate to congress, D. H. Wells and wife, and many others, as well as Governor Murray's party, which met the president at Weber Station, east of Ogden.

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36. For all of above measures see *Congressional Record*, *passim*, for December January, February, 1879-80, and *Millennial Star*, vol. xlii, pp. 330-3.

The city council (of "Mormon" personnel, of course) as usual when a distinguished guest was expected, made arrangements to receive the president with civic honors, and tendered to him the hospitality of the city. The usual committees on reception, arrangements and resolutions, etc., including gentlemen of all parties, and the military officers of Camp Douglas, were appointed, and the president's party was notified of these arrangements by wire at Washington. Failing to get response from that point the same word was sent to Chicago, only to be answered from there that by "prior arrangements" the president was to be the guest of the governor, but expressing the hope that the state and municipal authorities were "acting in concert." Unfortunately they were not doing this; for Governor Murray had organized a reception committee "composed of only one class" into which no "Mormon" was admitted, and sought to take possession of the presidential party. Prominent "Mormon" citizens of Salt Lake, however, set these annoyances and slights aside, and honored the chief executive of the nation during his visit in Utah.

Relative to the unfortunate failure on the part of the federal officers of Utah to accord participation in the reception of the president's party while in Salt Lake, a dispatch, very misleading, was sent to the eastern press, as follows:

"Salt Lake.—The mayor and council secured a special train for Ogden and arranged to receive Hayes, notifying him on August 25th. Governor Murray organized a reception party, excluding Mormons. Last evening the mayor received a telegram from the president that he would be the guest of Governor Murray. The municipal authorities are very indignant and resolved not even to call on the president, claiming that they had been insulted. Only Gentiles and rabble among the Mormons will show themselves. Hayes arrives Sunday, leaves Monday evening."

On this the *Deseret News* made the following comment:

"That is after the usual style of press dispatches. We are happy to say that there is no 'Mormon' rabble, and we are of the opinion that while the municipality cannot consistently join in any public demonstration, many influential citizens in a private capacity will call on the

president and make his acquaintance. We hope the visit of the president and party will be pleasant and agreeable, and that among other memorable events occurring on his trip to the western coast will be his brief sojourn in the capital of Utah territory."<sup>37</sup>

The special train of the "Mormon" party was coupled to the president's train, and *en route* for Salt Lake City there were pleasant greetings and exchanges of visits including a reception of the ladies of the "Mormon" party by Mrs. Hayes in the president's car. There were greetings by the people at the stations where the train was halted *en route* from Ogden, and at Salt Lake City with their teachers and other citizens thousands of Sunday School children lined the streets from the depot to the Walker House where the president's party was entertained. From the portico of the hotel Governor Murray introduced to the waiting crowds the president, Mrs. Hayes, Secretary Ramsey and General Sherman. All excused themselves from any attempt at speech-making beyond a few words of acknowledgment of courtesies received and expressions of pleasure at being in the city. General Sherman, however, who had several times before visited the city, and was accounted a very good friend of her people, went a little beyond this and ventured to say:

#### GENERAL SHERMAN'S WORDS OF CHEER TO THE PEOPLE

"An old philosopher remarked, before any of us were born, that he who made two blades of grass to grow where only one did before was a public benefactor. Now, the people who have made the pears and apples, and the peaches and the wheat and clover and the grass to grow, when but a short time ago there was nothing but the sagebrush to be seen, are entitled to our thanks as public benefactors."

#### Then came the following declaration:

"The president will in due time on all proper occasions recognize your kindness to him—not here but elsewhere; for he takes notes of everything as he goes along, and he is so familiar with the history of this people, that when the time comes that he can say a kind word for you, he will do it. (Great applause)."

This, in view of what the president did say of the people of Utah three months later, in his message to congress, and

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37. *Deseret News*, weekly, of September 8th, 1880.

the recommendations he made in respect of revolutionary measures as to their territorial government, and the proposed striking down of their political rights, sounds like irony, though the sincerity of General Sherman in making the remark is beyond question.

To the above remark already quoted the general added: "all that I want to say this Sunday afternoon is this: Go on as you have begun, make homes for yourselves and your children and be half as good as you know how to be, and you will be good enough for this or any other valley." Which remark was greeted with applause.<sup>38</sup>

#### DEPARTURE OF THE PRESIDENTIAL PARTY

On departing from Salt Lake three special cars were coupled to the president's train of four cars in which rode a party of prominent citizens, chiefly dignitaries of the Church of the Latter-day Saints and men prominent in business in Utah. Shortly after leaving Salt Lake City President Hayes entered the rear cars and after shaking hands with all, took a seat near President John Taylor and remained conversing with him until the train neared Ogden.

"The conversation was on a variety of topics, secular and religious, mostly pertaining to Utah, and at the close President Hayes on rising to leave shook hands warmly with President Taylor, assured him that he had much enjoyed the interview, and for himself and associates declared that the impressions received during their visit to Utah had been of the most favorable character, and as such would long be remembered. Mrs. Hayes also left her car and entering the others at the rear of the train, held extended conversations with several of the 'Mormon' ladies."<sup>39</sup>

One reflection here obtrudes itself upon the mind: If the Latter-day Saints were the ignorant, uncouth people they were so frequently represented to be, why is it that Gentile, federal officialdom, during these middle days of territorial existence, here and earlier being treated, was at such pains to elbow them away from the prominent visitors, and es-

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38. *Deseret News*, weekly, of Sept. 8, 1880.

39. *Ibid.*, Sept. 7th, 1880.



pecially away from the presidential visitors to the territory? One would think that the true policy of Gentile officialdom would have been to have encouraged contact of distinguished visitors with both people and their leaders, that "Mormon" ignorance, coarseness and even brutality might have objective demonstration to the consciousness of the visitors. Then, as in the President Hayes case, how often the "elbowing-away policy" defeated itself!

#### A NON-"MORMON" FOURTH OF JULY CELEBRATION

Returning to Governor Murray and his attitude in relation to the dominant church it may be said again that the people were not left long in doubt as to where he would stand with reference to local parties and questions in Utah. A Gentile celebration of the 4th of July was planned under the direction of the governor in which no "Mormon" was invited to participate. There was a parade,<sup>40</sup> small but witnessed by many spectators; an open air meeting was held at Washington Square, at which the governor presided, and made the opening speech; Parley L. Williams, a young Salt Lake lawyer, was the orator of the day, and delivered a set speech.

Governor Murray in his introductory speech dealt chiefly in *innuendo*, but was sufficiently clear to be understood, and sufficiently coarse to be insulting to the people. "Those who believe in the divine right of kings, those who would keep their fellow men in ignorance and bondage," began the first thinly veiled attack upon the Latter-day Saints of Utah—"those who would rob the fruits of honest toil, those who would subordinate state to church, grumblers, and traitors,

40. The parade was not altogether creditable. A current published account of it said: "It was the first non-'Mormon' Fourth of July celebration ever attempted in Utah. The procession was small, but was witnessed by a large number of people. \* \* \* Linked in with federal officials, preachers, reformers and Christian regenerators of the 'deluded Mormons' were the most notorious of the 'Cyprians' of this western region, in open *barouche*, placed in line of the invited guests, between the carriages of those whom we have named and the vehicles of other well known citizens! The officers who represent this 'civilization' ahead, and in their wake a display of prostitutes, beer drays, liquor wagons, cigar trucks, etc., a fitting illustration of the history of official work for the reformation of the 'Mormons'!" (*Deseret News*, weekly, July 7, 1880).

do not and cannot enjoy Freedom's Day." After this the governor grew bolder:

"The tree of liberty planted in 1776 has grown with our days, and strengthened with the years, until its spreading branches reach from sea to sea, broad enough to shelter all patriots, native born or naturalized. Further shall I say, and rich enough in timber to construct scaffolds and coffins for all those who may treasonably conspire to break down our constitution and to violate its written laws. The people of this country propose to remain free forever. No state will be wiped out. No star obliterated from our national flag. Upon the other hand, no new state will be formed, no new star placed upon the folds of our flag, until the people it represents come with the badge of freedom upon their breasts. Free to think for themselves. Free to act for themselves. Free from all kingly and priestly dictation in civil affairs—a liberty loving, law-abiding people who, with 'their lives, their fortunes and their sacred honor,' will defend this government, our precious blood-bought heritage—the pride of a loving, loyal people. Utah shall be free—and then, and not till then, a state. The shackles that bind so many of her good and too confiding people to the superstitions of a dead past, will, by their own acts, their own words, be broken."<sup>41</sup>

In order to put in contrast with this "Gentile celebration" the "Mormon" way of doing a similar thing, a very elaborate celebration of the 24th of July was determined upon for this eventful year, 1880, by the Latter-day Saint community. Invitations were sent to the federal officials to participate in the celebration of Utah's Pioneer Day, and notes of acceptance were generally received by the invitation committee from these gentlemen. The one from Governor Murray was especially gracious. "The Pioneers, in opening up the great west and this beautiful valley," said he, "made a definite demand on history for honorable mention. Their deeds of daring about the campfires of wandering want, challenge the sympathetic admiration of all who read the story. \* \* \* I accept the invitation, and will be pleased to join you in my own carriage, at such hour as you may name."<sup>42</sup>

Notwithstanding this acceptance on the part of Governor Murray and other federal officials, and notwithstanding nothing had occurred to offend them, or justify their with-

41. *Deseret News*, weekly, of July 7th, 1880.

42. Whitney's *History of Utah*, vol. iii, p. 107, where the governor's letter of acceptance is given in full.

drawal from their acceptance, none of them took part in the celebration or even appeared on the scene unless as spectators; and it could not be other than a concerted action on their part, after consultation had upon the subject, to stay away, lest the "Mormons" should appear in too favorable a light before the country.<sup>43</sup>

The "Mormon" celebration of Utah's Pioneer Day was a marked success. In a way it was a continuation of the Year of Jubilee. The preceding April 6th had marked off the fiftieth anniversary of the organization of the Church of Jesus Christ of Latter-day Saints, which as we have seen in preceding pages had been fittingly and spiritedly celebrated in Jubilee Conference; and perhaps this celebration of the 24th of July that year took on some of the coloring of that semi-festive year. The procession itself was three miles in length. At its head were five wagons in which rode the surviving band of the Pioneers of 1847, the first wagon, drawn by eight horses—preceded by two horsemen—carrying the surviving leaders of the company.<sup>44</sup>

The whole procession was said to be a "grand and beautiful display." The historical events in the Church of the Latter-day Saints were featured, as also their present organizations and activities; there were also featured the landing of the Pilgrim Fathers, the drama, and other arts, education, agriculture, manufactures, the trades, the pony express of 1860-1861,<sup>45</sup> the telegraph, the press. Then followed contrasted representations of Utah in 1847 and in 1880.

43. Such the suggestion of Whitney. "It certainly would have been in striking contrast to their partisan celebration [i. e. of the 4th of July], and would have placed the 'Mormons' in a more favorable light than their opponents desired them to appear. 'Mormon exclusiveness' had ever been a favorite anti-'Mormon' theme, and anything which tended to show that the saints were not as black as they were painted was foreign to the interests of those who felt it their political and religious duty to make war upon them." (Whitney's *History of Utah*, vol. iii, p. 107).

44. These were Orson Pratt, Erastus Snow, John Brown, Wilford Woodruff, C. C. Rich, Joseph Young, Thomas Bullock, Albert Carrington, H. K. Whitney, Aaron Farr, Zebedee Coltrin, T. O. Angel, and Thomas Grover; the horsemen on lead were Jacob Weiler and John Pack. (See pamphlet, *Celebration Pioneer Day*, 1880, p. 6).

45. Riding in this division were four of the original riders, viz., Nels Empey, W. F. Fisher, Erastus Egan, and George Hanks.

The first was a "veritable log cabin—occupants in primitive attire, with rude furniture and surroundings; the second an elegant specimen of the architecture of today, superbly finished, furnished, and adorned," occupied by persons in tasteful attire.

Particularization of one of the floats of the parade will give the coloring and the keynote of the whole parade and of the whole celebration. This the float representing "Education." This was a splendidly decorated car, containing five ladies personifying respectively religion, history, geography, science and art.

"The first (religion) occupied a platform in the middle of the car. She was dressed in white, with a silver star on her forehead, her elbow resting on the *Bible*, and in her hand was a palm leaf. History was apparelled in gold, and stationed at one of the corners surrounded by books with a scroll and stylus in her hand. In another corner dressed in green, with a globe at her side, sat geography. Science also occupied a corner, as did art, the former robed in blue, holding a telescope and surrounded by other scientific instruments; the latter was in pink attire, with palette, easel, sculpture, lyre, etc., around her. Near by were four children, two looking at a picture book, and on the other side two larger children studying natural history and botany. Behind it were carriages containing small children with books in hand, and the inscriptions 'Our Schools,' and 'The Road to Greatness.' School trustees and teachers, and the committee on education followed in vehicles bearing banners with the sentiments, '*A Free People Must be an Educated People*;' and, '*Our Nation's Prosperity Lies in the Education of Her Children*.' While it is said that 'this car was one of the finest displayed,' still the whole pageantry was drawn upon this high order of doing things. And a number of the subjects were much more elaborately treated, especially the Drama and the 1620 Pilgrim Tableau car."

The parade was followed by services in the great tabernacle, in keeping with the grandeur of the pageantry of the parade.

One of the most striking features of the occasion was the enumeration by the venerable historian of the church—Orson Pratt—of the countries in which the mission work of the church had been introduced, with a brief account of the work accomplished in each country; after which representatives of all these countries—twenty-five in number—



clad in native costume, arose and formed in line on the platform, facing the audience, and displaying their national ensigns; whereupon President John Taylor arose and said:

"I wish to state to the congregation that the Lord commanded his servants to go forth to all the world to preach the gospel to every creature. We have not yet been to *all* the world, but here are twenty-five nations represented today, and thus far we have fulfilled our mission, and it is for us to continue our labors until all the world shall hear us, that all who are desirous may obey, and we fulfill the mission given us. The nationalities then resumed their seats, and the choir rendered the grand and beautiful anthem, 'Glory to God in the Highest.'"<sup>46</sup>

"Notwithstanding the immense crowds that thronged the broad streets," said the *Deseret News* in its description of the occasion, "the utmost order prevailed, and good humor; gratitude to God, respect for the occasion, and that love of peace and harmony characteristic of the people of Utah, calming and regulating the exuberance of feeling natural at such a time. The weather was lovely. The sky clear, the sunshine warm and brilliant, a light breeze stirring and the air balmy and healthful. \* \* \* Pioneer Day in the year of our Lord 1880, and in the Jubilee Year of the church, will be a marked period in this people's history."<sup>47</sup>

Such the occasion and the spirit of it—the celebration of the 24th of July, 1880, the thirty-third anniversary of the entrance of the Pioneer band into Salt Lake valley, and the Jubilee Year of the organized existence of the Church of Jesus Christ of Latter-day Saints.

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46. *Celebration of Pioneer Day*, pamphlet, p. 28.

47. *Deseret News*, weekly, 28th July, 1880.















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